MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA

REGULAR MEETINGS
MONDAY, MAY 17, 2010

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:00 p.m. on Monday, May 17, 2010, with President Vaughn presiding.

Councillor Cain introduced Pastor Randy Wordman, Walnut Grove Church, who led the opening prayer. Councillor Cain then introduced Boy Scout Troop 446, who invited all present to join them in the Pledge of Allegiance to the Flag.

ROLL CALL

President Vaughn instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

29 PRESENT: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Freeman, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn
0 ABSENT:

A quorum of twenty-nine members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Minton-McNeill recognized Kim Boyd, founder of HOPE, and constituents Reggie Townsend and Chris Tolliver. Councillor Lewis recognized Teresa Dabney, executive director of the Indianapolis Chamber of Commerce. Councillor Nytes recognized David Lawrence, Indianapolis Arts Council. Councillor Cain recognized Carey Lykins, executive director of Citizens' Gas. Councillor McQuillen recognized chairman of the Marion County Democrat Party, Ed Treacy. Councillor Oliver recognized, Cornell Burris, National Association for the Advancement of Colored People (NAACP). Councillor Scales recognized Jim McClellan, president and chief executive officer of Goodwill Enterprises. Councillor Pfisterer recognized

husband Clyde Pfisterer. Councillor Lutz recognized Steve Quick with the American Federation of State, County and Municipal Employees (AFSCME).

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, May 17, 2010, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Ryan Vaughn
President, City-County Council

April 28, 2010

TO PRESIDENT COCKRUM AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, April 30, 2010 a copy of a Notice of Public Hearing on Proposal Nos. 120, 122, 125, 128 and 145, 2010, said hearing to be held on Monday, May 17, 2010, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Melissa Thompson
Clerk of the City-County Council

May 14, 2010

TO PRESIDENT COCKRUM AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Melissa Thompson, the
following ordinances:

FISCAL ORDINANCE NO. 9, 2010 – appropriates $11,036,100 in the 2010 Budget of the Department of Metropolitan Development (Federal Grants Fund) to fund costs related to the development of affordable rental housing and the rehabilitation of foreclosed or abandoned homes

FISCAL ORDINANCE NO. 10, 2010 - appropriates $37,500 in the 2010 Budget of the Department of Public Works (State Grants Fund) to fund educational outreach and increased awareness regarding the proper disposal of compact fluorescent light bulbs

GENERAL ORDINANCE NO. 19, 2010 – amends the Code to reorganize the city-county internal audit agency as an executive office with expanded powers and duties, and to make corresponding technical changes

SPECIAL RESOLUTION NO. 19, 2010 – recognizes the Hospitality Certification Program

SPECIAL RESOLUTION NO. 20, 2010- recognizes the Saints Constantine and Elena Romanian Orthodox Church on its 100th year anniversary

SPECIAL RESOLUTION NO. 21, 2010 – recognizes U.S. Army Captain Andrew D. Fisher

SPECIAL RESOLUTION NO. 22, 2010 - determines the need to lease approximately 15,000 square feet of office space at 8115 E. Washington Street for use as a Marion Superior traffic court and Clerk's office

Respectfully,
s/Gregory A. Ballard, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of April 26, 2010. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 155, 2010. The proposal, sponsored by Councillor Brown, recognizes Chris Tolliver. Councillor Brown read the proposal and presented Mr. Tolliver with a copy of the document and a Council pin. Mr. Tolliver thanked the Council for the recognition. Councillor Brown moved, seconded by Councillor Minton-McNeill, for adoption. Proposal No. 155, 2010 was adopted by a unanimous voice vote.

Proposal No. 155, 2010 was retitled SPECIAL RESOLUTION NO. 23, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 23, 2010

A SPECIAL RESOLUTION recognizing Chris Tolliver.

WHEREAS, Chris Tolliver or Urban Mission YMCA has provided dedicated commitment and service to the youth and families of the City of Indianapolis; and

WHEREAS, over the last ten years, Mr. Tolliver has helped hundreds of families, with his YMCA journey beginning at the Morris Center YMCA in Cedar Knolls, New Jersey. He later joined the Fall Creek YMCA in Indianapolis as the Site Director for the "Before and After School" (BAS) program, and was later promoted to Program Coordinator; and

WHEREAS, Chris Tolliver founded the "Junior Volunteers" program, which sought to ensure education, cultivate and enhance motivation of all children, and help them move beyond their circumstances and prepare for leadership roles for the future; and

WHEREAS, with the "Junior Volunteers" program, Mr. Tolliver collaborated with area banks, Indianapolis Public Schools, local neighborhood associations, foundations, businesses, and the political system; and

WHEREAS, additionally, Mr. Tolliver coordinated "Youth in Government", where students are encouraged to look at their local community to determine if there are laws that should be enacted to prevent activities from occurring or to encourage other activities, laws that should be changed, or laws that should be repealed; and

WHEREAS, Chris Tolliver has successfully spearheaded the Urban Mission "Toys for Tots" program, a collaboration of the U.S. Marine Corp. and the YMCA to provide Christmas for low-income families; and

WHEREAS, Mr. Tolliver is a peace-loving, courteous person, who teaches the youth to honor and respect figures of authority, as well as one another. His qualities of caring, achievement and self-sacrifice

allowed him to provide whatever was needed for the kids, including clothing, food or rides to and from events; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Chris Tolliver for many years of service with the YMCA and to the Indianapolis community.

SECTION 2. The Council commends Mr. Tolliver for tirelessly working to lighten the load for all those he served and called upon him.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 156, 2010. The proposal, sponsored by Councillor Pfisterer, recognizes Terese Middleton for being the 2010 winner of the 3rd Annual Kenneth and Geraldine Gell Poetry Prize. Councillor Pfisterer read the proposal and presented Ms. Middleton with a copy of the document and a Council pin. Ms. Middleton thanked the Council for the recognition. Councillor Pfisterer moved, seconded by Councillor Cockrum, for adoption. Proposal No. 156, 2010 was adopted by a unanimous voice vote.

Proposal No. 156, 2010 was retitled SPECIAL RESOLUTION NO. 24, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 24, 2010

A SPECIAL RESOLUTION recognizing Teresa Middleton for being the 2010 winner of the 3rd Annual Kenneth and Geraldine Gell Poetry Prize.

WHEREAS, Teresa Middleton graduated from Butler University, and received her Master's Degree in English from the University of Indianapolis. She is a Greenwood resident and English teacher at Ben Davis University High School; and

WHEREAS, Ms. Middleton has taught English and creative writing in Indiana Schools for over 20 years. Her first book of poems, "Core and Seed" was published in 2001 by Magner Publishers; and

WHEREAS, for this prize, Ms. Middleton submitted a full-length-book manuscript entitled "Junk DNA: A Collection of Sonnets", and won the 2010 prize over 205 other poets who submitted book-length manuscripts of poetry; and

WHEREAS, Teresa Middleton was inspired to write "Junk DNA" after attending an Associated Writing Programs (AWP) workshop in Vancouver. She was motivated to experiment with the sonnet form, because the sequences in DNA function much like language and represent "everything, everybody and every idea that's come before you"; and

WHEREAS, Ms. Middleton's collection contains ten strands of ten connected sonnets; each of ten strands of sonnets has a general subject, such as men, women, music, places and inventions, and each strand contains ten connected and titled sonnets; and

WHEREAS, the Gell Poetry Prize is awarded annually for an as-yet-unpublished book of poems of exceptional quality; and

WHEREAS, the winning poet receives a $1,000 honorarium; a residency at The Gell Center, which is a Writers & Books retreat center in New York's Finger Lakes Region; and the publishing of the entry; and

WHEREAS, Ms. Middleton was quoted as stating that "a book of poems is like building a snow fort, one snowball at a time," she said that she just let the process guide her; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Teresa Middleton as the winner of the Gell Poetry Prize for 2010.

SECTION 2. The Council congratulates Ms. Middleton on this great accomplishment and wishes her continued success in all future endeavors.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 157, 2010. The proposal, sponsored by Councillors Pfisterer, Lutz, McHenry, Cockrum and Lewis, recognizes the Ben Davis Lady Giants Basketball Team and Coach Stan Benge. Councillor Lutz read the proposal and presented representatives with copies of the document and Council pins. Coach Benge thanked the Council for the recognition. Councillor Pfisterer moved, seconded by Councillor Lutz, for adoption. Proposal No. 157, 2010 was adopted by a unanimous voice vote.

Proposal No. 157, 2010 was retitled SPECIAL RESOLUTION NO. 25, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 25, 2010

A SPECIAL RESOLUTION recognizing the Ben Davis Lady Giants Basketball Team and coach, Stan Benge.

WHEREAS, the Ben Davis Lady Giants won back-to-back Class 4A State Championships in 2009 and 2010; and

WHEREAS, the team has the longest winning streak, with 58 games, in Indiana girls basketball history and is the first team, boys or girls, to go undefeated in back-to-back seasons; and

WHEREAS, this year's championship game broke the record for the most points scored and the largest margin of victory in a championship game; and

WHEREAS, the four seniors on the team this year are heading for college basketball careers at NCAA Division 1 schools, including IUPUI, Purdue University, Ball State University and Eastern Illinois University; and

WHEREAS, the team's Head Coach, Stan Benge has been head coach of the Ben Davis Lady Giants for 25 years, with a win record of 79 percent, and was named Metro Coach of the Year in 1992, 2000, 2009 and 2010; and

WHEREAS, as head coach, Coach Benge has won three State Championships, four Semi-State Championships, ten Regional Championships, nine MIC Championships, eight County Championships, and one National Championship; and

WHEREAS, with all the team's athletic accomplishments, their most honorable accomplishment is in academics. The varsity team roster includes 14 student-athletes and two senior managers with a combined GPA of 3.7, with six of them holding a GPA of 4.0 or higher; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes head coach Stan Benge; assistant coaches: Demetrius Dowler, Joe Lentz, Jackie Closser, James Banks, and Freshman coach, Brian Elmore; team members: Dee Dee Williams, Jordan Huber, Jazmine Windham, Janee' Kimball, Bria Goss, Demetria Nunley-Lash, Brionna Arnold, Shawnece Teague, Jade Mills-Harris, Vivian Holcomb, Hunter Dowler, Amber Jones, Ashlie Nicholson and Erin Taylor; and senior managers Kya Harris and Taylor Morrison .

SECTION 2. The Council congratulates the Ben Davis Lady Giants Basketball team on an outstanding athletic and academic career.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 158, 2010. The proposal, sponsored by All Councillors, recognizes the Butler University Men's Basketball Team. Councillor Hunter read the proposal and presented representatives with copies of the document and Council pins. Carl Heck, Associate Athletic Director, thanked the Council for the recognition and the City for all their efforts during the Final Four tournament. Councillor Hunter moved, seconded by Councillor McQuillen, for adoption. Proposal No. 158, 2010 was adopted by a unanimous voice vote.

Proposal No. 158, 2010 was retitled SPECIAL RESOLUTION NO. 26, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 26, 2010

A SPECIAL RESOLUTION recognizing the Butler University Men's Basketball Team.

WHEREAS, the Butler Bulldogs final 2009-10 season record was 33-5 and 18-0 for the Horizon League. They were the only team in the nation to go unbeaten in January, February and March of 2010; and

WHEREAS, the 2009-10 Butler Bulldogs were the first team in school and Horizon League history to reach the Final Four and the national championship game, ranking NCAA Division I National Runner-up; and

WHEREAS, the team received the NCAA West Regional Champions title for the first time in school and Horizon League history, and were the only unbeaten conference champion in the NCAA Division I in 2009-10; and

WHEREAS, the Butler Bulldogs beat school and Horizon League records, with 33 wins, 18 league wins, and 25-game winning streak; and tied the second-most in school history with 26 regular season wins; and

WHEREAS, the team was named the Horizon League Regular Season Champions for the fourth consecutive regular season, and the Horizon League Tournament Champions for the second in three seasons; and

WHEREAS, the Bulldogs ranked in the "Top 25" of the ESPN/USA Today's national poll for 19 consecutive weeks, defeating five of those "Top 25" ranked teams in 2009-10, and ranked No. 2 in the Associated Press' national poll for 14 of 19 weeks for the highest ranking in school history; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes the Butler University Bulldogs Men's Basketball Team on ranking NCAA Division I National Runner-up.

SECTION 2. The Council congratulates the Bulldogs on making it to the Final Four, competing in the championship game, and achieving such commendable accomplishments throughout the entire season.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 147, 2010. Introduced by Councillors Scales and Nytes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Manuel Mendez as the Director of the Office of Audit and Performance"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 148, 2010. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease approximately 11,500 square feet of office space at 5519 West 38th Street for use as a Marion Superior Court probation office"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 149, 2010. Introduced by Councillors McQuillen, Mansfield, Cain and Lutz. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to add and amend various chapters related to license and permit fees to be collected by the department of code enforcement pursuant to a cost analysis study determining the cost of the services underlying these fees to the department"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 150, 2010. Introduced by Councillors McQuillen, Mansfield, Nytes, Cain and Lutz. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to amend the schedule of license, permit, inspection and administrative fees to be collected by the department of code enforcement pursuant to a cost analysis study determining the cost of the services underlying these fees to the department"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 151, 2010. Introduced by Councillors Day and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves certain public purpose grants totaling $1,000,000 for the support of the arts"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 152, 2010. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves a crime prevention initiative grant award in the amount of $39,000 to Devington Community Development Corporation as recommended by the Crime Prevention Advisory Board and as approved by the Mayor"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 153, 2010. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which designates 22nd Street, from Capitol Avenue to College Avenue, as the Bishop Morris E. Golder Memorial Way"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 154, 2010. Introduced by Councillor Cain. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to adopt a new Sec. 621-128 prohibiting parking in parks after closing and to amend Sec. 103-52 establishing penalties for violations"; and the President referred it to the Parks and Recreation Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 146, 2010. Councillor Cardwell reported that the Economic Development Committee heard Proposal No. 146, 2010 on May 12, 2010. The proposal, sponsored by

Councillor Cardwell, authorizes the City to issue one or more series of Economic Development Tax Increment Revenue Bonds in a maximum aggregate principal amount not to exceed $25,500,000 for the Dow Agro Sciences global headquarters and research and development facilities for expansion and improvements at 9330 Zionsville Road (District 1). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cardwell moved, seconded by Councillor Rivera, for adoption. Proposal No. 146, 2010 was adopted on the following roll call vote; viz:

28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Day, Evans, Freeman, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn
1 NAY: Coleman

Proposal No. 146, 2010 was retitled SPECIAL ORDINANCE NO. 2, 2010, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 2, 2010

A SPECIAL ORDINANCE authorizing the City of Indianapolis to issue one or more series of its City of Indianapolis, Indiana Economic Development Tax Increment Revenue Bonds, Series 2010 A (with such further series or other designation as determined to be necessary), in a maximum aggregate principal amount not to exceed $25,500,000 (the "Bonds") and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code 36-7-11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City of Indianapolis, Indiana (the "City") is authorized to issue revenue bonds for the purpose of financing, reimbursing or refinancing the costs of acquisition, construction, renovation, installation and equipping of economic development facilities in order to foster diversification of economic development and creation or retention of opportunities for gainful employment in or near the City; and

WHEREAS, Dow AgroSciences LLC or a subsidiary or affiliate thereof (collectively, the "Company") desires to finance certain additions or improvements to the Company's global headquarters and research and development facilities in the City, including all or any portion of: (a) the acquisition (by purchase, lease or other method), construction and equipping of new offices and equipment; (b) the acquisition (by purchase, lease or other method), construction and equipping of new greenhouse buildings and facilities and equipment; (c) the acquisition (by purchase, lease or other method), construction and equipping of new research and development buildings and facilities and equipment; (d) the expansion, renovation, rehabilitation and equipping of existing offices, greenhouse facilities, research and development buildings and facilities and equipment; and (e) the acquisition (by purchase, lease or other method), construction, expansion, renovation, rehabilitation and equipping of any functionally related or similar buildings and facilities and equipment (clauses (a) through and including (e), collectively, the "Project") and to pay related costs, all of which will be located at or near 9330 Zionsville Road, Indianapolis, Indiana 46248, in Council District 1 of the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "City-County Council"), and will also be located in the 86th Street and Zionsville Road Economic Development Allocation Area (the "Allocation Area") previously created by the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City; and

WHEREAS, the Company has advised the Indianapolis Economic Development Commission (the "Commission") and the City concerning the Project, and requested that the City issue one or more series of its taxable or tax-exempt Economic Development Tax Increment Revenue Bonds, Series 2010 A (with such further series or other designation as determined to be necessary), in an aggregate principal amount not to exceed Twenty-Five Million Five Hundred Thousand Dollars ($25,500,000) (the "Bonds") under the Act and make the proceeds of such Bonds available to the Company for the purpose of financing a portion of the Project; and

WHEREAS, the Commission has rendered a report concerning the proposed financing or refinancing of economic development facilities for the Company and the Metropolitan Development Commission of Marion County, Indiana, has been given the opportunity to comment thereon; and

WHEREAS, the Commission after a public hearing held on May 5, 2010, pursuant to Section 24 of the Act and certain provisions of the Internal Revenue Code of 1986, and the rules promulgated thereunder, as amended (the "Code"), found that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the City; and

WHEREAS, the Commission has determined that the financing will not have an adverse competitive effect or impact on any similar facility of facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, pursuant to and in accordance with the Act, the City desires to provide funds necessary to finance a portion of the Project by issuing the Bonds; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, the City intends to issue the Bonds consistent with the terms of this Ordinance and pursuant to a Trust Indenture, to be dated the first day of the month in which the Bonds are sold or delivered (or such other date as the officers of the City may hereafter approve) (the "Indenture"), by and between the City and a corporate trustee to be selected by the City (the "Trustee"), in order to obtain funds necessary to provide for the financing of a portion of the Project in accordance with the terms of a Financing Agreement, to be dated the first day of the month in which the Bonds are sold or delivered (or such other date as the officers of the City may hereafter approve) (the "Financing Agreement"), by and between the City and the Company with respect to Bonds and the Project; and

WHEREAS, pursuant to the Financing Agreement, the Company will make certain representations, warranties and commitments with respect to the Project which will permit the City to derive incremental real and personal property tax revenues from the Company's site of operations within the Allocation Area which, together with additional incremental property tax revenues derived from the Allocation Area if required, will be sufficient to pay principal of and interest on the Bonds as the same becomes due and payable, and to pay administrative expenses in connection with the Bonds, as further described herein; and

WHEREAS, no member of the City-County Council has any pecuniary interest in any employment, financing agreement or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the City-County Council and no such member has voted on any such matter, all in accordance with the provisions of Indiana Code 36-7-12-16; and

WHEREAS, there has been submitted to the Commission for its approval forms of the Indenture (including a form of the Bonds) and the Financing Agreement (and together with the Indenture, collectively, the "Financing Documents"), and a form of this proposed Ordinance, which were incorporated by reference in the Commission's Resolution adopted on May 5, 2010, which Resolution has been transmitted hereto; and

WHEREAS, on September 5, 1990, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (the "Redevelopment Commission") adopted its Resolution No. 90-224 (the "Declaratory Resolution") declaring an area of the City as the "86th Street and Zionsville Road Economic Development Area" (the "Economic Development Area") to be an "economic development area" within the meaning of IC 36-7-15.1, as amended, designating the entire Economic Development Area as an "allocation area" for purposes of the IC 36-7-15.1-26, and approving the "86th Street and Zionsville Road Economic Development Area Plan" for the Economic Development Area (the "Plan"); and

WHEREAS, on October 3, 1990, following a public hearing, the Redevelopment Commission adopted its Resolution No. 90-245 modifying and confirming the Declaratory Resolution and modifying and confirming the Plan (the Declaratory Resolution, as so confirmed, the "Original Declaratory Resolution"); and

WHEREAS, on April 7, 2010, the Redevelopment Commission adopted its Resolution 2010-B-004 (the "Amendatory Resolution"), which amended the Original Declaratory Resolution and the Plan to (1) designate the Company as a "designated taxpayer" for purposes of Section 26.2 of the Act, and (2) add certain projects to the Plan (the foregoing items (1) through (2), collectively, the "Plan Amendments"); and

WHEREAS, pursuant to IC 36-7-15.1-9, the Redevelopment Commission has submitted the Amendatory Resolution and Plan Amendments to the City-County Council for its approval thereof; and

WHEREAS, the City expects to pay for certain costs of the Bonds or costs related to the Project (collectively, the "Expenditures") prior to the issuance of the Bonds, and to reimburse the Expenditures with proceeds received by the City upon the issuance of the Bonds; and

WHEREAS, the City-County Council desires to declare its intent to reimburse the Expenditures pursuant to Treas. Reg. §1.150-2 and Indiana Code §5-1-14-6(c); and

WHEREAS, based upon the resolution adopted by the Commission pertaining to the Project, the City-County Council hereby finds and determines that the funding approved by the Commission for a portion of the Project will be of benefit to the health and general welfare of the citizens of the City, complies with the provisions of the Act and the amount necessary to finance a portion of the costs of the Project will require the issuance, sale and delivery of one or more series of economic development tax increment revenue bonds in an aggregate combined principal amount not to exceed $25,500,000; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It is hereby found, determined, ratified and confirmed that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, and the use of the net proceeds thereof by the Company to finance a portion of the Project (i) will result in the diversification of industry, the creation or retention of business opportunities and the creation or retention of opportunities for gainful employment within the jurisdiction of the City, (ii) will serve a public purpose, and will be of benefit to the health and general welfare of the City, (iii) complies with the purposes and provisions of the Act and it is in the public interest that the City take such lawful action as determined to be necessary or desirable to encourage the diversification of industry, the creation or retention of business opportunities, and the creation or retention of opportunities for gainful employment within the jurisdiction of the City, and (iv) will not have a material adverse competitive effect on any similar facilities already constructed or operating in or near Marion County, Indiana.

SECTION 2. The forms of the Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the City-County Council or City Controller. In compliance with Indiana Code 36-1-5-4, two (2) copies of the Financing Documents are on file in the office of the Clerk of the City-County Council for public inspection.

SECTION 3. The City shall issue its Bonds in one or more series, any series of which may be taxable or tax-exempt for federal income tax purposes, in the maximum aggregate principal amount not to exceed Twenty Five Million Five Hundred Thousand Dollars ($25,500,000), with a maximum term not to exceed eighteen (18) years and with a maximum interest rate not to exceed eight and one-half percent (8.5%) per annum, for the purpose of procuring funds to finance a portion of the Project, which Bonds will be payable as to principal and interest solely from incremental real property taxes derived from, together with personal property taxes attributable to the Company's site of operations in, the Allocation Area, upon such terms and conditions as otherwise provided in the Financing Documents and this Ordinance. The Bonds shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City.

SECTION 4. The Mayor and City Controller are authorized and directed to sell such Bonds to the purchaser or purchasers thereof at a price not less than 98.5% of the aggregate principal amount thereof plus accrued interest, if any, at a rate of interest not to exceed eight and one-half percent (8.5%) per annum, and with a final maturity no later than eighteen (18) years from the date of the issuance of any series of Bonds. A bond purchase agreement or a qualified entity purchase agreement in form and substance acceptable to the Mayor and the Controller (the "Purchase Agreement"), be, and hereby is, approved, and the Mayor and the Controller are hereby authorized and directed to execute and deliver the Purchase Agreement in form and substance acceptable to them and consistent with the terms and conditions set forth in this Ordinance. If necessary or desirable in connection with the sale of the Bonds, the Mayor, the Controller and any other officer of the City are authorized to enter into a continuing disclosure undertaking agreement, in compliance with Rule l5c2-12 of the Securities and Exchange Commission, which will be in such a form as may be deemed necessary, appropriate or desirable by the Mayor, the Controller and any other officer of the City, with such to be conclusively evidenced by their execution thereof.

SECTION 5. The Mayor, the Controller and any other officer of the City are authorized and directed to execute the Financing Documents, such other documents approved or authorized herein and any other

document which may be necessary, appropriate or desirable to consummate the transaction contemplated by the Financing Documents and this Ordinance, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor, the Controller and any other officer of the City on the Bonds which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the City. The signatures of the Mayor, the Controller and any other officer of the City on the Bonds may be facsimile signatures. The Mayor, the Controller and any other officer of the City are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Mayor, the Controller and any other officer of the City may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve any and all such changes therein and also in those Financing Documents which do not require the signature of the Mayor, the Controller or any other officer of the City without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Sections 27(a)(1) through and including (a)(10) of the Act.

SECTION 6. The provisions of this Ordinance and the Financing Documents shall constitute a contract binding between the City and the holder or holders of the Bonds and after the issuance of said Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the right of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 7. Subject to the provisions of Sections 5 and 14 of this Ordinance, if necessary or desirable, a Preliminary Official Statement of the City relating to the Bonds (the "Preliminary Official Statement"), in a form acceptable to the Mayor, is hereby (a) authorized and approved, together with such changes in form and substance as may be deemed necessary or appropriate by the Mayor pursuant to Sections 5 and 14 of this Ordinance, (b) authorized and approved, as the same may be appropriately confirmed, modified and amended pursuant hereto, for distribution as the Preliminary Official Statement of the City, (c) authorized to be deemed and determined by the Mayor on behalf of the City, as of its date, to constitute the "final" official statement of the City with respect to the Bonds to be offered thereby, subject to completion as permitted by and otherwise pursuant to the provisions of Rule l5c2-12 of the Securities and Exchange Commission (the "SEC Rule"), and (d) authorized and approved, consistent with the provisions of any bond purchase agreement and the SEC Rule, to be placed into final form and distributed and delivered to purchasers and potential purchasers of the Bonds offered thereby as the final official statement of the City, as of the date thereof, with respect to the Bonds (the "Official Statement").

SECTION 8. Subject to the obligations of the Company set forth in the Financing Agreement and the tax and arbitrage representation certificate of the Company to be executed upon the issuance of the Bonds, the City will use its best efforts to restrict the use of the proceeds of the Bonds in such a manner and to expectations at the time the Bonds are delivered to the purchasers thereof, so that they will not constitute "arbitrage bonds" under Section 148 of the Code and the regulations promulgated thereunder, or to preserve any other desired tax status under the Code, if necessary. The Mayor and the Clerk, or any other officer having responsibility with respect to the issuance of the Bonds, are authorized and directed, alone or in conjunction with any of the foregoing, or with any other officer, employee, consultant or agent of the City, to deliver a certificate for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the Bond proceeds as of the date of issuance thereof.

SECTION 9. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this ordinance, the Financing Documents or under any judgment obtained against the City, including without limitation its Economic Development Commission, or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, under or independent of the Financing Agreement, shall be had against any member, director, or officer or attorney, as such, past, present, or future, of the City, including without limitation its Economic Development Commission, either directly or through the City, or otherwise, for the payment for or to the City or any receiver thereof or for or to any holder of the Bonds secured thereby, or otherwise, of any sum that may remain due and unpaid by the City upon any of such Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member, director, or officer or attorney, as such, to respond by reason of any act or omission on his or her part or otherwise for, directly or indirectly, the payment for or to the City or any receiver thereof, or for or to any owner or holder of the Bonds, or otherwise, of any sum that may remain due and unpaid upon the Bonds hereby secured or any at them, shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Financing Agreement and the issuance, sale and delivery of the Bonds.

SECTION 10. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 11. All ordinances, resolutions and orders or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 12. It is hereby determined that all formal actions of the City-County Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Council, that all deliberations of the City-County Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5, as amended.

SECTION 13. The Mayor and the Clerk are authorized to take all such further actions or to execute, attest and deliver such further instruments and documents in the name of the City as in their judgment shall be necessary or advisable in order fully to consummate the transaction and carry out the purposes of this Ordinance.

SECTION 14. The Mayor, the Controller and any other officer of the City are hereby authorized and directed, in the name and on behalf of the City, to execute and deliver such further documents and to take such further actions as such person deems necessary or desirable to effect the purposes of this ordinance, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved. The Mayor or his designee is hereby authorized to enter into a project agreement with the Company, on terms and conditions acceptable to the Mayor, together with any all changes as may be necessary, desirable or appropriate, which shall be evidenced by his execution thereof.

SECTION 15. The City-County Council does hereby acknowledge that the Bonds may be purchased with the proceeds of bonds to be issued by The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank Bonds"), and that the Bond Bank Bonds may be supported by one or more debt service reserve funds that will be subject to the provisions of IC 5-1.4-5-4 and Special Ordinance 67,85 of this City-County Council.

SECTION 16. Pursuant to IC 36-7-15.1-9, the City-County Council hereby approves, in all respects, the Amendatory Resolution and the Plan Amendments.

SECTION 17. The City-County Council hereby declares its official intent, to the extent permitted by law, to issue the Bonds in one or more series or issues, not to exceed the maximum aggregate principal amount authorized herein, and to reimburse costs of the Project consisting of the Expenditures from proceeds of the sale of such Bonds.

SECTION 18. This Ordinance shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14.

PROPOSAL NOS. 159-162, 2010 and PROPOSAL NOS. 163-166, 2010. Introduced by Councillor McHenry. Proposal Nos. 159-162 2010 and Proposal Nos. 163-166, 2010 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on May 6, 2010. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 35-42, 2010, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 35, 2010.
2009-ZON-030
8814 AND 8816 SOUTH ARLINGTON AVENUE (Approximate Addresses)
INDIANAPOLIS, FRANKLIN TOWNSHIP
COUNCIL DISTRICT # 25
EAST COUNTY LINE PARTNERS, LLC, by Michael C. Cook, requests REZONING of 32 acres, from the D-A District, to the C-4 classification to provide for community-regional commercial uses.

REZONING ORDINANCE NO. 36, 2010.
2010-ZON-013
739 SOUTH STATE AVENUE & 1701 HOYT AVENUE (Approximate Address)
INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 16
HABITAT FOR HUMANITY OF GREATER INDIANAPOLIS, by David Kingen, requests REZONING of 0.15 acre, from the C-1 District, to the D-5 classification to provide for residential uses.

REZONING ORDINANCE NO. 37, 2010.
2010-ZON-014
1622 AND 1806-1808 HOWARD STREET AND 1357 SOUTH REISNER STREET
(Approximate Address) INDIANAPOLIS, CENTER TOWNSHIP
COUNCIL DISTRICT # 19
HABITAT FOR HUMANITY, by David Kingen, requests REZONING of 0.35 acre, from the C-3 District, to the D-5 classification to provide for residential uses.

REZONING ORDINANCE NO. 38, 2010.
2010-ZON-029
9025 RIVER ROAD (Approximate Addresses)
INDIANAPOLIS, WASHINGTON TOWNSHIP
COUNCIL DISTRICT # 4
DUKE REALTY LIMITED PARTNERSHIP, by Blaine Paul, requests Rezoning of 12.91acres, from the D-P District, to the D-P classification to provide for:

a) any type of offices use, including medical, business, professional, personal service, financial (bank, savings and loan, credit union, etc.), governmental social services offices, and
b) to provide for any type of school / educational use including, business and secretarial, clerical, correspondence, data processing, junior college, language and for profit professional business education school, two-year, four-year and graduate degree programs and schools and the following supportive and accessory uses; cafeteria and photocopying and duplicating services.

REZONING ORDINANCE NO. 39, 2010.
2010-ZON-022
1402-1436 MILBURN STREET (even numbers) and 1401-1435 MONTCALM STREET (odd numbers) (Approximate Address)
CENTER TOWNSHIP, CCD # 15
TRINITAS VENTURE on behalf of 1201 North LLC, by Travis J. Vencel, request(s):, REZONING of 2.2 acres, from the D-5 (RC) (W-1) District, to the CBD-S (RC) (classification to provide for an off-street parking lot associated with multifamily student housing.

REZONING ORDINANCE NO. 40, 2010.
2010-ZON-023
631 AND 641 SOUTH FLEMING STREET AND 648 SOUTH TAFT AVENUE
(Approximate Addresses), INDIANAPOLIS, WAYNE TOWNSHIP
COUNCIL DISTRICT # 14
PENTECOSTAL BREAD OF LIFE, by Boyd Warren, requests Rezoning of 0.88 acre, from the D-4 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 41, 2010.
2009-CZN-826
2605 EAST RAYMOND STREET AND 2215 CHURCHMAN AVENUE
(Approximate Addresses) INDIANAPOLIS, CENTER TOWNSHIP
COUNCIL DISTRICT # 20
RONALD R. BARRETT requests Rezoning of 0.824 acre from the C-3, D-4, and C-1 Districts, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 42, 2010.
2009-CZN-834
1733 NORTH MERIDIAN STREET (Approximate Address)
CENTER TOWNSHIP, CCD # 15
RILEY AREA DEVELOPMENT CORPORATION, by David Kingen, requests Rezoning of 0.29 acre from the C-4 (RC)(W-5) District, to the C-2 (RC)(W-5) classification to provide for high-intensity office-apartment uses.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 121, 2010. Councillor Cardwell reported that the Economic Development Committee heard Proposal No. 121, 2010 on May 12, 2010. The proposal, sponsored by Councillor Cardwell, establishes procedures for the City of Indianapolis and Marion County to issue Recovery Zone Bonds under the 2009 Federal Stimulus Act. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gray asked if the area has been identified where this is to be used. Councillor Cardwell stated that this is addressed in the next proposal, and the procedures have to be established first.

President Vaughn called for public testimony at 7:36 p.m.

Timothy McGuire, Pike Township resident, stated that they should cut the federal purse strings and tell the federal government to stop taxing residents and dictating how local governments can spend these dollars.

Larry Vaughn, Concerned Clergy, stated that the Council is taking their children's futures with foolish moves. He said that they treat money like it is there to blow, with no guidelines. He said that they recently gave the Capital Improvement Board $3.5 billion, and it is disingenuous to offer bonds using the city's credibility and then turn the money over to a private company.

Councillor Cardwell moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 121, 2010 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Brown, Cardwell, Cockrum, Day, Evans, Freeman, Gray, Hunter, Lewis, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn
3 NAYS: Cain, Coleman, Lutz

Proposal No. 121, 2010 was retitled GENERAL ORDINANCE NO. 20, 2010, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 20, 2010

A PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County to establish procedures for using Recovery Zone bonds under the 2009 Federal Stimulus Act, exercising the Home Rule powers of the City of Indianapolis and Marion County, Indiana, and other matters connected therewith.

WHEREAS, the City-County Council (the "Council") of the City of Indianapolis (the "City"), acting as the legislative body of Marion County, Indiana (the "County") and as the legislative body of both the incorporated City and the consolidated City, may designate an economic recovery zone (the "Recovery Zone") in accordance with Section 1401 of The American Recovery and Reinvestment Act of 2009 (the "Stimulus Act"); and

WHEREAS, the Stimulus Act authorizes counties and large municipalities to issue recovery zone economic development bonds (the "Recovery Zone Bonds") for purposes of promoting development or other economic activity in a Recovery Zone, including to finance: (i) capital expenditures related to property located in the Recovery Zone; (ii) public infrastructure and facilities; and (iii) job training and educational programs (the "Qualified Economic Development Purpose"); and

WHEREAS, the Stimulus Act authorizes counties and large municipalities to issue recovery zone facility bonds (the "Recovery Zone Facility Bonds") to finance property used in a Recovery Zone for a qualified business; and

WHEREAS, the City and the County will comply with all other applicable statutory requirements for the issuance of bonds under Indiana law; and

WHEREAS, pursuant to the Stimulus Act, each state has been allocated an amount equal to the ratio of a state's employment decline for 2008 to the aggregate of employment decline of 2008 for all states multiplied by $10 billion for Recovery Zone Bonds, but in no event less than $90 million and multiplied by $15 billion for Recovery Zone Facility Bonds, but in no event less than $135 million (collectively, the "State Allocation"); and

WHEREAS, the Stimulus Act provides for the reallocation of the State Allocation to all counties and large municipalities within the State of Indiana (the "State") in the proportion that each county's or municipality's 2008 employment decline bears to the aggregate of the 2008 employment declines for the counties and municipalities in the State (the "Local Volume Cap"); and

WHEREAS, the consolidated City was allocated $34,158,000 of Recovery Zone Bond volume and $51,237,000 of Recovery Zone Facility Bond volume, the incorporated City was allocated $33,753,000 of Recovery Zone Bond volume and $50,630,000 of Recovery Zone Facility Bond volume and the County was allocated $3,109,000 of Recovery Zone Bond volume and $4,663,000 of Recovery Zone Facility Bond volume and all such entities will benefit from a consolidation of such allocations to a single entity; and

WHEREAS, IC 36-1-3 is known as the Home Rule Act; and

WHEREAS, IC 36-1-3-5(a) provides that a unit may exercise any power it has to the extent that the power: (1) is not expressly denied by the Indiana Constitution or by statute; and (2) is not expressly granted to another entity; and

WHEREAS, IC 36-1-3-6 provides that if there is a constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must do so in that manner, and that in the absence of a constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must either: comply with a statutory provision permitting a specific manner for exercising the power or adopt an ordinance prescribing a specific manner for exercising the power; and

WHEREAS, IC 36-1-2-23 defines "unit" to include the City and the County; and

WHEREAS, IC 36-1-3-6(c) provides that a county desiring to prescribe a specific manner for exercising a power must do so through an ordinance adopted by the legislative body of the County and that a City desiring to prescribe a specific manner for exercising a power must do so through an ordinance adopted by the legislative body of the City (including the incorporated City and the consolidated City); and

WHEREAS, the City-County Council is the legislative body of the County and the City; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. The Revised Code of the Consolidated City and County be, and is hereby amended, by adding a new Article VIII in Chapter 181 to read as follows:

ARTICLE VIII – Economic Recovery Zone Bonds

Sec. 181-801. Recovery Zones.

One or more Recovery Zones are to be designated by the Council by (i) publishing a notice of a public hearing in accordance with IC 5-3-1 regarding the designation of the Recovery Zone; (ii) conducting a public hearing; and (iii) adopting a resolution designating the Recovery Zone.

Sec. 181-802. Volume Caps.

The Director of The Indianapolis Local Public Improvement Bond Bank (the "Director") shall review requests for allocation of Local Volume Cap, review the economic benefits to the City and the County of any requesting projects and make preliminary allocations of the Local Volume Cap to projects located throughout the County, which preliminary allocations shall be confirmed by this Council in connection with the approval of the issuance of the bonds utilizing the Local Volume Cap allocation or confirming a bond allocation to another issuer with jurisdiction within the County.

Sec. 181-803. Waiver to State.

The Council on behalf of the City and the County, hereby waives the applicable Local Volume Cap to the State on the condition that the State work with the Director to reallocate the volume to the County.

SECTION 2. If for any reason any section, subsection, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstance is declared to be unconstitutional or invalid or unenforceable, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This Ordinance shall take effect and be in force from and after passage and compliance with IC 36-2-4-8.

PROPOSAL NO. 120, 2010. Councillor Cardwell reported that the Economic Development Committee heard Proposal No. 121, 2010 on May 12, 2010. The proposal, sponsored by Councillor Cardwell, designates all of the City of Indianapolis and Marion County as a recovery zone for purposes of the 2009 Federal Stimulus Act. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Brown asked where funds would be used. Councillor Cardwell said that this establishes the entire County, and then each individual project will come back before the Economic Development Committee for approval.

President Vaughn called for public testimony at 7:39 p.m.

Larry Vaughn, Concerned Clergy, said that they are using bond dollars to fund Citizens Energy Group.

Councillor Cardwell moved, seconded by Councillor McHenry, for adoption. Proposal No. 120, 2010 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Brown, Cardwell, Cockrum, Day, Evans, Freeman, Gray, Hunter, Lewis, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn
3 NAYS: Cain, Coleman, Lutz

Proposal No. 120, 2010 was retitled GENERAL RESOLUTION NO. 10, 2010, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 10, 2010

A PROPOSAL FOR GENERAL RESOLUTION designating all of the City of Indianapolis and Marion County as a recovery zone for purposes of the 2009 Federal Stimulus Act.

WHEREAS, the City-County Council (the "Council") of the City of Indianapolis, Indiana (the "City"), on behalf of the City and Marion County Indiana, (the "County"), has caused an investigation to be made to determine whether all or a portion of the City and the County should be designated as a recovery zone under and pursuant to Section 1401 of The American Recovery and Reinvestment Act of 2009 (the "Stimulus Act");

WHEREAS, pursuant to the Stimulus Act, the County, the City (incorporated) and the City (consolidated) are each allocated a certain amount of recovery zone economic development bonds (the "Recovery Zone Cap") and a certain amount of recovery zone facility bonds (the "Recovery Zone Facility Cap"), each as described in Article VIII of Chapter 181 of the Revised Code of the Consolidated City and County, and on behalf of each of such entities, the Council desires to designate a recovery zone;

WHEREAS, the Stimulus Act provides that a recovery zone includes areas:

(1) having significant:
(A) poverty;
(B) unemployment;
(C) rate of home foreclosures; or
(D) general distress;

(2) economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; and

(3) for which a designation as an empowerment zone or renewal community is in effect;

WHEREAS, the Council has caused to be prepared a factual report (the "Report") in support of the findings contained in this resolution, which Report is attached to and incorporated by reference in this resolution;

WHEREAS, the Council published notice on April 30, 2010, of a hearing to be held by the Council pursuant to IC 5-3-1 on the proposed designation or a recovery zone in the *Indianapolis Star*, a newspaper published in the City and the County; and

WHEREAS, the Council on the date hereof, conducted a public hearing at which the Council heard all persons interested in the proceedings; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. The Council hereby finds and determines that the entire area within the boundaries of Marion County, Indiana (the "Marion County Recovery Zone") is an area: (i) having significant poverty, unemployment, rate of home foreclosures or general distress.

SECTION 2. The Marion County Recovery Zone is hereby designated as an economic recovery zone within the meaning of Section 1401 of the Stimulus Act.

SECTION 3. This ordinance shall be in full force and effect from and after adoption and compliance with IC 36-3-4-14.

FACTUAL REPORT IN SUPPORT
OF FINDINGS CONTAINED IN
RESOLUTION NO. ___ 2010
OF THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS, INDIANA

(a) The Marion County Recovery Zone has experienced significant poverty as demonstrated by:

According to the U.S. Bureau of the Census, the poverty rates for Marion County are as follows:

Poverty	Individuals	Families
2000 Census	11.40%	8.70%
2006-2008 American Community Survey	15.60%	11.80%

(b) The Marion County Recovery Zone has experienced significant unemployment as demonstrated by:

According to the U.S Bureau of Labor, the unemployment rates in Marion County have grown from 2.7% in 2000 to 8.4% in 2009. The average unemployment rate for the past fourteen months is 8.8%. See the table below.

Unemployment (yearly averages)	Rate
2000	2.70%
2001	3.70%
2002	5.20%
2003	5.40%

2004	5.40%
2005	5.50%
2006	4.90%
2007	4.50%
2008	5.60%
2009	8.40%
Average for the latest 14 months	8.80%

(c) The Marion County Recovery Zone has experienced a significant rate of home foreclosures as demonstrated by:

According to the U.S. Bureau of the Census, the number of housing units in Marion County in 2000 was 190,702 and according to the Marion County Sherriff's Department there were 3,483 foreclosures in 2000. Additional foreclosure data is described in the table below:

Year	Foreclosures	Estimated Owner-Occupied Housing Units
2007	8,739	200,045
2008	9,582	200,267
2009	9,514	200,418

PROPOSAL NO. 122, 2010. Councillor McHenry reported that the Metropolitan Development Committee heard Proposal No. 122, 2010 on May 3, 2010. The proposal, sponsored by Councillors Sanders and Vaughn, appropriates $4,989,922 in the 2010 Budget of the Department of Metropolitan Development (Federal Grants and Consolidated County Funds) to fund various contracts pertaining to long-term transportation planning within Central Indiana. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gray asked what this $4 million is for. He said that they have spent enough money on studies and research to have built a world-class transportation system. He said that he cannot support the proposal.

Councillor Brown asked if these are Consolidated County funds. Councillor McHenry said that they are 100% federal dollars. Councillor Brown asked if there are then no county funds being used. Philip Roth, assistant director of the Metropolitan Planning Organization (MPO), stated that there are local match dollars from surrounding counties that go into the Consolidated County fund, but there are no Marion County tax dollars, just federal dollars, being used for this planning.

Councillor Gray asked if they will finally have a transportation system at the end of this study. Mr. Roth said that the intent is to come before the Council by the end of this year for appoval of funds for an integrated regional transportation fund. Councillor Gray asked if they will then see ground-breaking for the project by the first of 2011. Mr. Roth said that there will be subsequent phases of earlier studies and it will be a continuation of the process.

Councillor Brown asked if at the end of the study, they will have a solution to help fix IndyGo. Mr. Roth said it is their intent as a part of the study to figure out how to integrate IndyGo into the regional transportation system.

President Vaughn called for public testimony at 7:51 p.m.

Timothy McGuire, citizen, asked if these funds are strictly for the study and the proposal does not commit the city to any particular system. President Vaughn said that there is no commitment to a particular system, and the funds are for study and planning. Mr. McGuire stated that leaders need to ask themselves if this is something the majority of Indianapolis residents will actually use. He said that it is poor fiscal management to spend money on something residents will not use, and instead use funds to make it easier for Hamilton County residents to get downtown. President Vaughn stated that residents can go to IndyConnect.com to find more information and see the plans contemplated and the study results and timetables being considered.

Larry Vaughn, Concerned Clergy, said that these are bonds subsidized by the federal government, but are still tax dollars, and they need to better scrutinize these grants. He said that grants are not really free money. President Vaughn said that they are taxpayer dollars, and this body values all tax dollars and aggressively pursue federal tax dollars and grants to capitalize on those tax dollars instead of losing the money local residents pay into the system. He said that the spending of these dollars is heavily regulated, but that often helps them use them to their fullest benefit.

Avril Handleman, taxpayer, said that she is glad the Council is looking at public transportation in a more modern way, but some of the approaches being considered, including using diesel locomotives, will further exacerbate the air pollution situation, with Indiana already being the dirtiest state in the union in air quality. She said that they should be looking at electric modes of transportation and using clean energy.

Councillor McHenry moved, seconded by Councillor McQuillen, for adoption. Proposal No. 122, 2010 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Day, Evans, Freeman, Gray, Lewis, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn
3 NAYS: Coleman, Hunter, Lutz

Proposal No. 122, 2010 was retitled FISCAL ORDINANCE NO. 11, 2010, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 11, 2010

A FISCAL ORDINANCE amending the City-County Annual Budget for 2010 (City-County Fiscal Ordinance No. 35, 2009) by appropriating Four Million Seven Hundred Eighteen Thousand Eight Hundred Eighty-Seven Dollars ($4,718,887) in the Federal Grants Fund and Two Hundred Seventy-One Thousand Thirty-Five Dollars ($271,035) in the Consolidated County Fund for purposes of the Department of Metropolitan Development (DMD) and reducing other accounts, where applicable.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures, the necessity for which has arisen since the adoption of the annual budget, §1.01(g) of the City-County Annual Budget for 2010 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development (DMD) to fund the following activities: various contracts pertaining to long-term transportation planning within Central Indiana, financed by grant funding from the Federal Highway Administration and an additional appropriation in the Consolidated County Fund that is being supported by corresponding revenue from regional partners of the Consolidated City of Indianapolis, Marion County.

SECTION 2. The sum of Four Million Nine Hundred Eighty-Nine Thousand Nine Hundred Twenty-Two Dollars ($4,989,922) be, and the same appropriated for, the purposes as shown in Section 3 and funded by the sources identified in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF METROPOLITAN DEVELOPMENT	FEDERAL GRANTS FUND
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	4,718,887
4. Capital Outlay	0
5. Internal Chargebacks	0
TOTAL INCREASE	4,718,887

DEPARTMENT OF METROPOLITAN DEVELOPMENT	CONSOLIDATED COUNTY FUND
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	271,035
4. Capital Outlay	0
5. Internal Chargebacks	0
TOTAL INCREASE	271,035

SECTION 4.. The said increased appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following funds:

	FEDERAL GRANTS FUND
New grant revenues supporting the appropriations in Section 3	4,718,887
TOTAL	4,718,887

	CONSOLIDATED COUNTY FUND
New revenues supporting the appropriations in Section 3	271,035
TOTAL	271,035

SECTION 5. There is a total match of $371,035 required for the Federal Highway Administration grant funding. The regional partners of the Consolidated City of Indianapolis, Marion County that will be the recipients of a portion of this funding will provide $271,035 of the required match. The remaining $100,000 is being credited as an in-kind match for a study conducted by the Central Indiana Corporate Partnership. There are no new FTE's associated with any of the aforementioned grant funding.

SECTION 6. The council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriations for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 125, 2010. Councillor Malone reported that the Municipal Corporations Committee heard Proposal No. 125, 2010 on May 11, 2010. The proposal, sponsored by Councillor Malone, approves the Library Capital Project Fund Plan of the Indianapolis-Marion County Public Library for 2011-2013. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Vaughn called for public testimony at 7:59 p.m.

Timothy McGuire, citizen, asked if this increases property taxes for the library. Councillor Malone responded in the negative.

Larry Vaughn, Concerned Clergy, stated that these property taxes are being used to pay for leased buildings, and a private corporation is benefitting from retrofitting these buildings. Instead, the

city should be using more dollars for police officers, when they are just gonna end up closing these libraries. Councillor Malone said that a way has been found to keep libraries open, as they are a valuable safe haven and help to actually prevent crime and the need for more police officers.

Councillor Lutz stated that this should not have any impact on taxes, because the libraries must stay within their levy limitations.

Councillor Malone moved, seconded by Councillor Lutz, for adoption. Proposal No. 125, 2010 was adopted on the following roll call vote; viz:

29 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Freeman, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy
0 NAYS:

Proposal No. 125, 2010 was retitled GENERAL RESOLUTION NO. 11, 2010, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 11, 2010

A PROPOSAL FOR A GENERAL RESOLUTION approving the Library Capital Project Fund Plan of the Indianapolis – Marion County Public Library.

WHEREAS, pursuant to I.C. 36-12-12-3, the Indianapolis-Marion County Library Board adopted its Library Capital Projects Fund Plan for 2011-2013 on April 15, 2010, and certified the plan to the City-County Council on April 16, 2010; and

WHEREAS, pursuant to I.C. 36-12-12-4 the City-County Council is required to hold a public hearing on the plan within thirty days of its receipt and either approve or reject the plan before August 1, 2010; and

WHEREAS, the City-County Council advertised and held the public hearing on the plan before its Municipal Corporations Committee on May 11, 2010; and

WHEREAS, the Indianapolis – Marion County Public Library is an integral and necessary component of the quality of life we enjoy in Indianapolis – Marion County. By its services, it makes major contributions to the education and information availability provided to our citizens and contributes to the economic and cultural development of our community; and

WHEREAS, the City-County Council recognizes the Library's need to upgrade its service components and facilities in order to sustain and to improve the services offered to the citizens in our community; and

WHEREAS, the City-County Council hereby endorses the concept as expressed in the Library's Capital Projects Fund Plan for 2011-2013 as adopted by the Indianapolis-Marion County Public Library Board of Trustees; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Library Capital Projects Fund Plan adopted by the Indianapolis-Marion County Public Library Board of Trustees on April 15, 2010 is hereby approved.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with I.C. 36-3-4-14.

PROPOSAL NO. 128, 2010. Councillor Speedy reported that the Public Works Committee heard Proposal No. 128, 2010 on May 6, 2010. The proposal, sponsored by Councillor Hunter, appropriates $90,000 in the 2010 Budget of the Department of Public Works (Federal Grants Fund) to fund activities related to the development of rain gardens in the city, a tree planting and

maintenance program at the IREF, and an energy-efficiency retrofit program. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Minton-McNeill asked what IREF stands for. Councillor Speedy said that it stands for Indianapolis Re-entry Education Facility. Councillor Minton-McNeill asked where it is located. Councillor Speedy stated that it is located on the near eastside at the former women's prison site.

Councillor Sanders asked if the women's prison site is funded predominantly by the state. Councillor Speedy said that he is not sure, but that IREF is working over there with Keep Indianapolis Beautiful (KIB), who has a relationship with the horticulture group that maintains the grounds at that site, and the John Bonner Center.

President Vaughn called for public testimony at 8:05 p.m.

Larry Vaughn, Concerned Clergy, said that the locust trees around this building are infected with mites. Councillor Hunter said that KIB recently did a beautiful job in Irvington with bringing arborists on sites and planting some new trees in that area. He said that they have a good tree maintenance program and they will geo-track the trees, and if Mr. Vaughn knows of a location with some infected trees, he should call and report them to KIB, and they will send someont out to inspect the area.

Councillor Speedy moved, seconded by Councillor Cain, for adoption. Proposal No. 128, 2010 was adopted on the following roll call vote; viz:

28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Day, Evans, Freeman, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn
1 NAY: Coleman

Proposal No. 128, 2010 was retitled FISCAL ORDINANCE NO. 12, 2010, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 12, 2010

A FISCAL ORDINANCE amending the City-County Annual Budget for 2010 (City-County Fiscal Ordinance No. 35, 2009) by appropriating Ninety Thousand Dollars ($90,000) in the Federal Grants Fund for purposes of the Department of Public Works.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(h) of the City-County Annual Budget for 2010 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Works to fund the following: the development of a rain garden program at Tech High School, a demonstration rain garden on Alabama Street, residential rain garden and rain barrel workshops, a worker reentry tree planting and maintenance program at the Indianapolis Re-Entry Educational Facility (IREF), and the development of a neighborhood scale energy-efficiency retrofit program, financed by a Sustainable Skylines Initiative grant from the Environmental Protection Agency.

SECTION 2. The sum of Ninety Thousand Dollars ($90,000) be, and the same appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4, where applicable.

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF PUBLIC WORKS	FEDERAL GRANTS FUND
1. Personal Services	0
2. Supplies	50,000
3. Other Services and Charges	40,000
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	90,000

SECTION 4. The said increased appropriation is funded by new grant revenues, not previously appropriated, that will be deposited into the following fund:

	FEDERAL GRANTS FUND
New grant revenues supporting the appropriations in Section 3	90,000
TOTAL	90,000

SECTION 5. A local match of $7,500 is required for this grant and will be met through the support of the staff in the City's Office of Sustainability as it pertains to the administration of this grant.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriations for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 243, 2009. Councillor Speedy reported that the Public Works Committee heard Proposal No. 243, 2009 on several occasions, the last being on May 6, 2010. The proposal, sponsored by Councillors Hunter and Evans, approves and authorizes execution of an agreement between the City of Indianapolis and Hamilton County, Indiana, for the exercise of eminent domain authority and the construction of highway and drainage improvements in Marion and Hamilton Counties. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Mansfield said that the Hamilton County engineers were wonderful to work with on this project, and she met with them twice to discuss the impact of this project on Marion County residents, given its proximity to homes on the county line. She said that the engineers did a great job of coming up with a roundabout intersection design to benefit all. She urged Councillors to support the proposal.

Councillor Evans said that this project also affects his constituents and they were not happy with the original plan, but support this new plan, as it seems to be a good thing for all involved.

Councillor Speedy moved, seconded by Councillor Mansfield, for adoption. Proposal No. 243, 2009 was adopted on the following roll call vote; viz:

29 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Freeman, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy
0 NAYS:

Proposal No. 243, 2009 was retitled SPECIAL ORDINANCE NO. 3, 2010, and reads as follows:

CITY-COUNTY COUNCIL SPECIAL ORDINANCE NO. 3, 2010

A COUNCIL SPECIAL ORDINANCE approving and authorizing execution of an agreement between the City of Indianapolis and Hamilton County, Indiana, for the exercise of eminent domain authority and the construction of highway and drainage improvements in Marion County, Indiana, and Hamilton County, Indiana.

WHEREAS, the Board of Public Works, by Resolution No. 55, 2009, approved an agreement between the Consolidated City of Indianapolis, Marion County, Indiana, and Hamilton County, Indiana, for the exercise of eminent domain authority and the construction of highway and drainage improvements to 96th Street from Sycamore Road to Towne Road, including the intersection of Towne Road, in Marion County, Indiana, and authorized the Director of the Department of Public Works to sign said agreement on behalf of the Consolidated City of Indianapolis, Marion County, Indiana; and

WHEREAS, said agreement is in the best interests of the Consolidated City of Indianapolis, Marion County, Indiana, now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Interlocal Agreement between the Consolidated City of Indianapolis, Marion County, Indiana, and Hamilton County, Indiana, as approved by the Board of Public Works by Resolution No. 55, 2009, is hereby approved and ratified, and the Clerk is directed to attach a copy of such Board of Public Works Resolution and agreement to the official copy of this Special Ordinance, and insert a copy of the same into the permanent minutes of the Council.

SECTION 2. The Director of the Department of Public Works is authorized to execute said agreement on behalf of the Consolidated City of Indianapolis, Marion County, Indiana.

SECTION 3. Hamilton County, Indiana, is hereby authorized to exercise eminent domain authority and construct highway and drainage improvements to 96th Street to 96th Street from Sycamore Road to Towne Road, including the intersection of Towne Road, in Marion County, Indiana, in compliance with Indiana Code § 36-1-3-9(c), Indiana Code § 36-1-7-2, Indiana Code § 36-1-7-3, Indiana Code § 36-3-4-18(a), Indiana Code § 36-9-2-17, and Indiana Code § 36-9-2-18.

SECTION 4. This Special Ordinance shall be in full force and effect upon adoption and compliance with Indiana Code § 36-3-4-14.

PROPOSAL NO. 89, 2010. Councillor McHenry reported that the Metropolitan Development Committee heard Proposal No. 89, 2010 on March 29 and April 12, 2010. She said that the proposal was returned to Committee by the full Council on April 26, 2010, and heard again by the committee on May 3, 2010. The proposal, sponsored by Councillors Cain and Nytes, amends the Wellfield Protection Zoning Ordinance to revise the definition of "technically qualified person," to re-assign agency responsibilities for re-evaluation of wellfield delineation boundaries, and for administration of the groundwater protection fee (2009-AO-05). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor McHenry moved, seconded by Councillor McQuillen, for adoption. Proposal No. 89, 2010, as amended, was adopted on the following roll call vote; viz:

28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Freeman, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn
0 NAYS:
1 NOT VOTING: Moriarty Adams

Propsoal No. 89, 2010, as amended, was retitled GENERAL ORDINANCE NO. 21, 2010, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 21, 2010

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 2009-AO-05

PROPOSAL FOR A GENERAL ORDINANCE to amend the Wellfield Protection Zoning Ordinance.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 735-800 of the "Revised Code of the Consolidated City and County," regarding the establishment of the wellfield protection districts, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 735-800. Establishment of official zoning map; establishment of wellfield protection districts.

(a) *Establishment of the official zoning map.*

(1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.

(2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The Director of the Department of Metropolitan Development shall be the custodian of the official zoning map.

(3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.

(4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) *Establishment of wellfield protection districts.* The following secondary Wellfield Protection Zoning Districts for Marion County, Indiana, are hereby established, and land within the county is hereby classified, divided and zoned into such districts as designated on the official zoning map.

Wellfield Protection Zoning Districts	*Zoning District Symbols*
One Year Time-of-Travel Protection Area (secondary)	W-1
Five Year W-1 Time-of-Travel Protection Area (secondary)	W-5

(c) *Studies and evaluations of the W-1 and W-5 districts.* The W-1 and W-5 districts shall be reevaluated by the ~~OES~~ Department of Metropolitan Development, with input from a ~~C~~committee including representatives from the Department of Public Works, ~~OES, t~~the Department of Metropolitan Development ~~("DMD")~~, Health and Hospital Corporation of Marion County, Indiana, and applicable water utilities, no less frequently than every five (5) years to determine scientific reasonableness of the districts' maps.

(d) *Reports.*

(1) The ~~OES~~ Department of Metropolitan Development shall provide progress reports on the studies and evaluations as required in subsection (c) above to the chairman of the Metropolitan Development Committee of the City-County Council, the Board of Public Works and to the ~~c~~Commission, the first of which reports shall be within thirty (30) days of the initiation of the study provided for in subsection (c) above, and thereafter such reports shall be provided on a quarterly basis.

(2) Every water utility having a wellfield within a W-1 or W-5 district shall on or before January 15, 1998, prepare and file with the chairman of the Metropolitan Development Committee of the City-County Council, the Board of Public Works the Commission and

the Health and Hospital Corporation of Marion County the water utility's water quality monitoring plan for that year, including therein a description of the program designed to alert the water utility of any potential contamination of the groundwater underlying each of the water utility's wellfields. Any amendment to such plan by a water utility shall be filed within thirty (30) days of that amendment with the chairman of the Metropolitan Development Committee of the City-County Council, the Board of Public Works, the Commission, and the Health and Hospital Corporation of Marion County.

SECTION 2. Section 735-801 of the "Revised Code of the Consolidated City and County," regarding the general regulations of the Wellfield Protection Zoning Districts, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 735-801. General regulations.

The following regulations shall apply to all land within the Wellfield Protection Zoning Districts. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.

(a) *Applicability of regulations.* The following regulations shall apply to all land within the Wellfield Protection Zoning Districts, with the exceptions of single- and multi-family residential land uses. After the effective date of this article: No building, structure, premises or part thereof shall be constructed, erected, enlarged, extended, or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed site and development plan has been filed with and approved on behalf of the ~~Metropolitan Development~~ Commission by a technically qualified person. Such request shall be in the form of an application for an Improvement Location Permit, following all requirements for plan submission and documentation of section, 730-300 et seq. of this Code and shall contain the information specified in section 735-802(c)(1) through (12).

(b) *Development plans required.*

(1) In the W-1 district or the W-5 district, a site and development plan is required to be filed with and approved on behalf of the ~~Metropolitan Development~~ Commission by the technically qualified person ~~in the Department of Public Works OES~~ for any of the land uses listed in subsection (b)(2) below when an Improvement Location Permit is required. However, those listed land uses in the W-1 district that, in their ordinary course of business, have less than the threshold amount of one (1) gallon of liquids in the aggregate or six (6) pounds of water soluble solids in the aggregate and those land uses in the W-5 district that, in their ordinary course of business, have less than the threshold amount of one hundred (100) gallons of liquids in the aggregate or six hundred (600) pounds of water soluble solids in the aggregate on site are excluded from this site and development plan requirement. In determining thresholds, the following substances shall be exempted:

a. Reasonable quantities of substances used for routine building and yard maintenance stored inside a facility.
b. Liquids required for normal operation of a motor vehicle in use in that vehicle.

c. Substances contained within vehicles for bulk deliveries to the site.

d. Beverages and food at restaurants, supermarkets, convenience stores, and other retail food establishments.

e. Uncontaminated public water supply water, groundwater and/or surface water.

f. Substances, which are packaged in pre-sealed containers, sold at retail establishments.

g. Substances utilized for the production and treatment of public water supply.

h. Substances which, because of their inherent properties, are determined from time to time by the technically qualified person to pose no significant threat to groundwater.

(2) Land uses requiring a site and development plan approval. (Development associated with the land uses listed below, but used exclusively for offices, does not require a site and development plan.)

Primary land uses:

Agricultural chemical storage

Animal feedlots or stockyards

Asphalt or tar production

Automotive supplies distribution

Blast furnaces, steel works, rolling or finishing mills

Building cleaning or maintenance services company

Building materials production

Car or truck wash

Chemical or petroleum storage or sales

Chemical, blending or distribution

Clay, ceramic or refractory minerals mining or quarrying

Construction contractors' equipment or materials storage

Creosote manufacturing or treatment

Dry cleaning plants or commercial laundries

Educational, engineering or vocational shops or laboratories

Electroplating operations or metal finishers

Equipment repair

Fat rendering

Food or beverage production (excluding restaurants, catering and other retail food establishments)

Furniture or wood strippers, refinishers

Fuel dispensing facilities

Golf courses or driving ranges

Hazardous waste treatment, storage or disposal

Hospitals

Laboratories: medical, biological, bacteriological, chemical

Landscape or lawn installation or maintenance service (commercial)

Large institutional uses: convalescent or nursing homes, correctional or penal institutions, schools, colleges or universities

Leather tanning or finishing

Limestone, sand or gravel mining or quarrying

Machine, tool or die shop

Manufacture of:

Autos or trucks

Cement

Chemicals or gases

Colors, dye, paint or other coatings

Communication equipment

Detergents or soaps

Explosives, matches, or fireworks

Glass or glass products

Light portable household appliances; electric hand tools; electrical components or subassemblies; electric motors; electric or neon signs

Machinery, including electrical or electronic machinery; or equipment or supplies (circuits or batteries).

Major electric or gas household appliances

Marine equipment

Musical instruments

Office machinery, electrical or mechanical

Paper, paper box or paper products

Recording instruments

Tools or implements, machinery or machinery components

Wood products

Materials transport or transfer operations (truck terminals)

Metal mining

Mortuary or other embalming services

Motor or body repair: auto, truck, lawnmower, airplane, boat, motorcycle

Municipal waste landfill or transfer station

Oil or gas production wells

Oil or liquid materials pipelines

Painting or coating shops (utilizing liquids or water soluble solids)

Pesticide or fertilizer application services

Petroleum refining

Photographic processing facilities

Printing industries (utilizing liquid inks)

Radioactive waste handling or storage

Road salt storage

Rubber or plastics processing or production

Scrap or junk yards

Slaughterhouse or meat packing

Sludge treatment or disposal

Solid waste treatment, storage or disposal (involving potential groundwater contaminants)

Stamping or fabricating metal shops using press, brakes, or rolls

Textile production

Warehousing of potential groundwater contaminants

Wastewater treatment facilities

Wood preservers or treaters

Accessory land uses:

Car or truck wash (if an underground storage tank is used)

Dry cleaning plants (if forty (40) gallons or more of petroleum or chlorinated solvents are used or stored in a single container on-site)

Motor or body repair: auto, truck, lawnmower, airplane, boat, motorcycle (if fifty-five (55) gallons or more in aggregate of petroleum or chlorinated solvents are used or stored on-site)

Fuel dispensing facilities

Outdoor road salt storage (if over one (1) ton in bulk)

(3) Where an existing use is being expanded, the site and development plan shall generally describe the entire site but only the expansion development is subject to review. Only those chemicals to be used, stored, or handled in the expanded area shall be calculated in determining threshold amounts.

(c) *Commitments.* The Commission may permit or require commitments.

(d) *State statutory basis.* The applicable Indiana Planning and Zoning Laws pertaining to this article are the 1) 1400 Series - Development Plans of IC 36-7-4 and; 2) 600 Series - Zoning Ordinance (IC 36-7-4-600. Regulations contained in, and revisions to, this article reflect the provisions of the 1400 Series - Development Plans, and the 600 Series - Zoning Ordinance.

SECTION 3. Section 735-802 of the "Revised Code of the Consolidated City and County," regarding the wellfield protection district regulations, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 735-802. Wellfield Protection District regulations.

Statement of purpose. Because of the risk that certain chemicals pose to groundwater quality, it is recognized that the further regulation of the use and storage of such chemicals related to land use activities is essential in order to preserve public health and economic vitality within Marion County.

(a) *Permitted Wellfield Protection District uses.* All land uses permitted in the applicable underlying zoning districts shall be those allowed in the W-1 and W-5 Overlay Districts.

(b) *Site and development plan consideration.* Upon the application for an improvement location permit, the technically qualified person, on behalf of the metropolitan development ~~c~~Commission, shall consider and either approve, disapprove, or approve subject to any conditions, amendments, or commitments, the proposed site and development plan. Comments from the Health and Hospital Corporation of Marion County and applicable water

utilities shall be solicited by the technically qualified person prior to approval of a site and development plan, and if such comments are provided timely by the Health and Hospital Corporation or applicable water utilities, the technically qualified person shall consider them and may give them such weight as he or she shall determine to be appropriate.

(c) *Plan documentation and supporting information.* The site and development plan shall include:

(1) Any existing uses*

(2) Setbacks*

(3) Landscaping, screens, walls, fences*

(4) Sewage disposal facilities*

(5) Vicinity map (U.S.G.S. quadrangle preferred)

(6) Brief history of site of new building or addition (usage, historical environmental concerns, abandoned wells, underground storage tanks, septic tanks)

(7) Site map (drawn to scale) including:

- All existing and proposed structures*

- Paved and nonpaved areas*

- Utility lines (inside and outside structures) including sanitary sewers, storm sewers, storm retention ditches/basins/french drains/dry wells, etc. (both proposed and existing)

- Floor drain locations and outlets

- Chemical/product storage locations

- Waste storage locations

- Liquid transfer areas

- Site surface water bodies (streams, rivers, ponds)*

- Underground storage tanks

- Aboveground storage tanks

(8) Proposed containment area detail drawings--area, heights, materials, specifications, if applicable

(9) Description of proposed operations including chemicals/products used or generated, chemical/product storage area descriptions, waste generation quantities, equipment cleaning/maintenance procedures, heating source (oil/gas), liquid transfer/loading areas.

(10) Methods and locations of receiving, handling, storing, and shipping chemicals/products and wastes.

(11) Response measures and reporting.

(12) Description of slopes near containment vessels and waste storage areas*

Such site and development plan shall be provided to the Health and Hospital Corporation of Marion County and applicable water utilities when sent to the technically qualified person.

* Information required by Chapter 730, Article III, Improvement Location Permits.

(d) *Site and development requirements.* Land in the W-1 and W-5 Districts is subject to the following site and development requirements. In review of the proposed site and development plan, the technically qualified person shall assess whether the site and development plan:

(1) Is consistent with the Comprehensive Plan of Marion County, Indiana.

(2) Will prevent potential groundwater contaminants associated with human activity from interfering with each community public water supply system's ability to produce drinking water that meets all applicable federal primary drinking water standards after undergoing conventional groundwater treatment.

(3) Will not pose an unreasonable risk to groundwater within a designated wellfield protection area.

(4) Complies with subsection (h) of this section.

The technically qualified person shall consider and act upon any such proposed site and development plan; and may approve the same in whole or in part, or impose additional conditions, or commitments thereon. (It is the intent of this article that review of site and development plans be done in an expeditious manner. Generally this review would occur within fourteen (14) days from receipt of plan documentation and supporting information required in subsection (c) of this section.

(e) *Public notice.* Public notice of the filing of an application under this section and public notice of the decision by the ~~administrator of the bureau of license and permit services of the department of code enforcement~~ Department of Metropolitan Development relative to such application shall not be required because this application is being treated as an improvement location permit application.

(f) *Staff approval.*

(1) *Standards for review and disposition.* The technically qualified person shall be required to use the standards of subsections (d) and (h) of this section in the review and disposition of such plans.

(2) *Appeal of staff approval.* Any party of interest or aggrieved person shall have the right to appeal action by the technically qualified person before the metropolitan development ~~c~~Commission to approve or disapprove a site and development plan. Such appeal shall be filed as an approval petition within ten (10) business days of approval or denial of the approval as specified in, and following, the rules of procedure of the metropolitan development ~~c~~Commission.

(3) *Commission findings.* The ~~c~~Commission shall make written findings concerning any decision to approve or disapprove a site and development plan filed under this subsection (d) above. The president or secretary of the ~~c~~Commission shall be responsible for signing the written findings.

(4) *Public information.* The decision of the technically qualified person to approve or disapprove a site and development plan and the file on which the decision is based are public records and are available for examination by any person. The department of metropolitan development shall, within two (2) business days of the decision, send by fax a summary of the decision (including the docket number of the case, the address, a summary of the request, any waivers granted, and a summary of the action taken by the technically qualified person) to:

a. Members of the city-county council;

b. The president of the Marion County Alliance of Neighborhood Associations, Inc.

c. Indianapolis Chamber of Commerce.

d. Health and Hospital Corporation of Marion County.

e. Applicable water utilities.

The validity of the decision of the technically qualified person shall not be affected by any failure to comply in all respects with this public information provision.

(g) *Improvement location permit requirements.* No building or structure shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated in the Wellfield Protection Districts of Indianapolis, Marion County, Indiana, without an Improvement Location Permit, and such permit shall not be issued until the proposed site and development plan, if required in section 735-801(b), has been approved in accordance with this section.

(h) *Development standards.* In addition to the site and development requirements of subsection (d) of this section, all development within the W-1 and W-5 Districts shall be reviewed by the technically qualified person for conformity with the following requirements:

(1) Prior to approving a site and development plan, a technically qualified person may:

a. Impose conditions or require commitments to protect the groundwater supply in addition to the requirements stated in subsection (h)(2) of this section.

b. Substitute conditions or commitments that protect the groundwater supply for one (1) or more of the requirements in subsection (h)(2) of this section.

c. Waive one (1) or more of the requirements in subsection (h)(2) of this section (notice of the proposed issuance or granting of any such waiver shall be provided to the Health and Hospital Corporation of Marion County and the applicable water utilities).

In determining whether conditions or commitments should be made applicable, in determining whether conditions and commitments should be substituted for requirements, and in determining whether requirements should be waived, the risk to the groundwater supply posed by the development and the costs of various methods of protecting the groundwater supply shall be considered. The technically qualified person shall make findings supporting the substitution of conditions or commitments for requirements or the waiver of requirements.

(2) Land in the W-1 and W-5 Districts is subject to the following requirements:

a. All known abandoned wells shall be identified and sealed in accordance with applicable law.

b. No surface impoundments, ponds, or lagoons shall be established except for:

1. Stormwater detention and retention ponds; and

2. Recreation or landscaping purposes.

c. In the W-1 District, detention and retention ponds shall meet one (1) of the following criteria:

1. They are constructed in a manner that provides an effective barrier to the migration of potential groundwater contaminants into the groundwater; or

2. There are existing developed site features, including the location of the proposed pond, to prevent the migration of potential groundwater contaminants into the groundwater.

d. The development shall be connected to municipal sanitary sewers or combined sewers. Floor drains, if present, must be connected to sanitary sewers or combined sewers or routed to a temporary holding area for removal.

e. All trash dumpsters shall be located on hardsurfaced areas that drain to storm sewers or combined sewers.

f. All areas that may be used for the storage of potential groundwater contaminants shall be constructed in a manner to prevent a release from the storage area from reaching the groundwater.

g. All vehicle or equipment repair and shop areas shall be located within an enclosed building that includes a floor constructed of material which forms an effective barrier to prevent the migration of fluids or other materials into the groundwater.

h. The following restrictions apply to new, outdoor storage areas only in the W-1 District:

1. No aboveground storage tank of liquid (for underground storage tanks see requirement m.) of greater than one thousand (1,000) gallons is allowed.

2. No storage of water soluble solids of more than six thousand (6,000) pounds per container is allowed in any one (1) containment area.

3. Restrictions of 1. and 2. above may be waived by the technically qualified person if the tanks or other storage container is at least two hundred (200) feet from a public water supply system (PWSS) well, is above ground, and is located where at least twenty-five (25) feet or a suitable thickness of naturally occurring or compacted low permeability fine grained materials overlie the aquifer used by the PWSS.

i. Except for fuel stored in accordance with subsection (h)(2)n. at a fuel dispensing facility, all tanks holding more than forty (40) gallons of liquids for more than twenty-four (24) hours must be in a location or containment area capable of preventing any release from the tank from reaching the groundwater table. A containment area capable of containing one hundred ten (110) percent of the largest such tank in that location would satisfy this requirement.

1. The containment area shall be constructed to meet at least one (1) of the following requirements:

(a) A secondary containment structure designed to prevent and control the escape or movement of potential groundwater contaminants into groundwater for a minimum period of seventy-two (72) hours before removal; or

(b) A storage tank designed and built with an outer shell and a space between the tank wall and the outer shell that allows and includes interstitial monitoring.

2. Where practical, the secondary containment structure shall be designed to allow drainage or pumping into a holding area designed to contain the discharge until it can be properly removed.

3. The secondary containment structure shall be properly maintained and shall be free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the structure.

4. Secondary containment systems shall be designed so that the intrusion of precipitation is inhibited or that stormwater is removed to maintain system capacity.

j. While being stored, water soluble solids must be kept dry at all times.

k. Sludges which could release liquids or water soluble solids must be contained so that neither could enter the groundwater.

l. The transfer area for the bulk delivery of liquids shall be required to accommodate and contain a release that occurs during loading and unloading of a tank as follows:

1. The liquid transfer area shall be constructed in a manner to prevent a release in the transfer area from reaching the groundwater.

2. The portion of the liquid transfer area intended to contain releases shall be maintained so that it is free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the area.

m. In the W-1 District, existing underground storage tanks (USTs) may be replaced or upgraded only in accordance with requirement n. Replacements and upgrades to existing USTs at fuel dispensing facilities are not subject to the volume limitations. No other new USTs are permitted in the W-1 District.

n. In the W-1, the following requirements apply only to fuel dispensing facilities, or replacement or upgraded USTs as referenced in requirement m. For all other tanks, see requirement i.

1. Approved USTs shall be double walled.

2. Approved USTs shall include the following three (3) methods of release detection:

(a) Inventory control as defined in 40 CFR 280.43(a);

(b) Monthly 0.2 in tank leak test as defined in 40 CFR 280.43(d); and

(c) Interstitial monitoring of a double walled approved UST as defined by 40 CFR 280.43(g).

3. Connected piping must include the following three (3) methods of release detection:

(a) Inventory control;

(b) Continuous detection for three-gallon per hour line leak, as specified in 40 CFR 280.44(a) except that automatic shutoff is required at ninety-five (95) percent tank capacity; and

(c) Double walled line which is continuously monitored to detect the presence of liquid in the interstitial space and provided an alarm as specified in 40 CFR 280.44c via 280.43g.

o. In the W-5 District, the requirements of 40 CFR Part 280 apply to existing, registered USTs which are replaced or upgraded and USTs installed at new fuel dispensing facilities. In addition, the construction standards of 40 CFR Part 280, applicable to nonpetroleum USTs, shall be applicable to the following in the W-5 District:

1. Such a tank that is covered by state or federal hazardous waste regulations;

2. Heating oil tanks for on-site use;

p. The following requirements apply to all excavation activities associated with the removal of sand and gravel materials:

1. If the extraction of sand and gravel involves the removal of materials below the normal groundwater level, the work shall be accomplished by way of a dragline, floating dredge, or an alternative "wet" excavation method.

2. There shall be no dewatering of sites utilized for sand and gravel extraction.

3. No form of solid waste, sludge, or any other form of waste material of any kind, including, but not limited to, construction/demolition debris, shall be used on the site. Clean natural earth fill materials may be used without restriction as to origin or placement on site.

4. All fuels, oils, lubricants, hydraulic fluids, petroleum products or other similar materials on site shall be secondarily contained.

q. Dewatering of sites shall be permitted only for the following purposes:

1. To prevent water damage to structures; and

2. To protect groundwater quality; and

3. The temporary dewatering for the construction of sewers and other underground facilities, including foundation structures.

r. Class V injection wells (as defined in 40 CFR 146) shall be prohibited with the exception of the following:

1. Air conditioning return flow wells used to return to the supply aquifer the water used for heating or cooling in a heat pump, if noncontact; and

2. Cooling water return flow wells used to inject water previously used for cooling, if noncontact; and

3. Barrier recharge wells used to replenish the water in an aquifer or to improve groundwater quality, provided the injected fluid does not contain potential groundwater contaminants; and

4. Wells associated with the recovery of geothermal energy for heating, aquaculture and production of electric power, if noncontact.

SECTION 4. Section 735-803 of the "Revised Code of the Consolidated City and County," regarding the construction of language and definitions, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 735-803. Construction of language and definitions.

(a) *Construction of language.* The language of this article shall be interpreted in accordance with the following regulations:

(1) The particular shall control the general.

(2) In the case of any difference of meaning or implication between the text of this article and any illustration or diagram, the text shall control.

(3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(4) Words used in the present tense shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(5) A "building" or "structure" includes any part thereof.

(6) The phrase "used for" includes "arranged for," "designed for," "intended for," maintained for," or "occupied for."

(7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:

a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.

b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

c. "Either . . . or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

(b) *Definitions.* The words in the text or illustrations of this article shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

Abandoned well. A well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.

Aboveground storage tank. Any one (1) or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of potential groundwater contaminants and the volume of which (including the volume of underground pipes connected thereto) is less than ten (10)

percent beneath the surface of the ground. Flow-through process tanks are excluded from the definition of aboveground storage tanks.

Approved underground storage tank. A stationary device designed to contain an accumulation of potential groundwater contaminants and constructed of nonearthen materials, for example, steel or fiberglass, which has been approved for use by the Steel Tank Institute or the Fiberglass Petroleum Tank and Pipe Institute.

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

Chlorinated solvent. Any liquid solution containing at least ten (10) percent of a chemical or chemicals classified as a chlorinated organic compound. If the concentration of the chlorinated organic compound in the liquid is not known, the entire volume of the liquid solution shall be considered to be a chlorinated solvent.

Commission. The Metropolitan Development Commission of Marion County, Indiana.

Commitment. An official agreement concerning and running with the land as recorded in the Office of the Marion County Recorder.

Condition. An official agreement between the municipality and the petitioner concerning the use or development of the land as imposed by the technically qualified person.

Connected piping. All underground piping including valves, elbows, joints, flanges, and flexible connectors attached to a tank system.

Containment area. An aboveground area with floors and sidewalls that have been constructed of a material which will prevent migration of fluids into the groundwater.

Development plan. As enabled by 1400 Series--Development Plans IC 36-7-4-1400 through IC 36-7-4-1499.

Dewatering. Any removal of groundwater specifically designed to lower groundwater levels.

Disposal. Discharge, deposit, injection, dumping, spilling, leaking, or placing of any potential groundwater contaminants into or on any land or water.

Excavation. The breaking of ground, except common household gardening, ground care and agricultural activity.

Fuel dispensing facility. Any facility where gasoline or diesel fuel is dispensed into motor vehicle fuel tanks from an underground storage tank.

Groundwater. Any water occurring within the zone of saturation in a geologic formation beneath the surface of the earth.

Hardsurfaced. (Pertains to this article only.) Quality of an outer area being solidly constructed of asphalt, concrete, or other health and hospital corporation approved material.

Interstitial monitoring. A system designed, constructed and installed to detect a leak from any portion of a storage tank or connected piping that routinely contains potential groundwater contaminants by monitoring the space between the primary (inner) tank or connected piping and the secondary (outer) tank or connected piping.

Legally established nonconforming use. Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment, or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance to conform to the present requirements of the zoning district.

Liquid. A liquid is a substance or mixture which is fluid at twenty (20) degrees Centigrade (sixty-eight (68) degrees Fahrenheit).

Liquid transfer area. An off-street area maintained and intended for temporary parking of a commercial vehicle while transferring potential groundwater contaminant to and from a facility.

~~*OES.* The office of environmental services of the department of public works.~~

Permitted use. Any use by right authorized in a particular zoning district or districts and subject to the restrictions applicable to that zoning district.

Potential groundwater contaminant. Any material which, because of its toxicity and mobility in groundwater, poses a significant hazard to the quality of groundwater resources used for public water supply.

Premises. A platted lot or part thereof or unplatted lot or parcel of land, either occupied or unoccupied by any structure, and includes any such building, accessory structure, adjoining alley, easement, or drainage way.

Release. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (surface water, groundwater, drinking water supply, land surface, subsurface strata).

Shop area. A production or repair area equipped with tools and machinery.

Site plan. The plan, or series of plans, drawn to scale, for one (1) or more lots on which is shown the existing and proposed locations and conditions of the lot including as required by Chapter 730, Article III, Improvement Location Permits, but not limited to: topography, vegetation, drainage, floodplains, marshes, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, centerlines of rights-of-way, and dimensions.

Storage. The long-term deposit (more than twenty-four (24) hours) of any goods, material, merchandise, vehicles, or junk.

Structure. A combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

Surface impoundment. A natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.

Tank. A tank is a stationary device designed to contain an accumulation of liquids and which is constructed of nonearthen materials, for example, concrete, steel, or plastic, that provides structural support.

Technically qualified person. A technically qualified person is either an employee of the ~~OES~~ Department of Metropolitan Development, or any person with whom the ~~OES~~ Department of Metropolitan Development has a services contract. Such technically qualified person is a person who is competent to evaluate site and development plans for contamination risk to groundwater quality. Examples of technically qualified persons include professional engineers, certified professional geologists and environmental and other scientists with specialized training and experience in hydrogeology, contaminant transport, and hazardous materials management.

Underground storage tank. Any one (1) or combination of tanks (including underground pipes connected thereto) that is regulated under 40 CFR Part 280. Notwithstanding the exceptions in 40 CFR Part 280, for the purpose of this article an underground storage tank also includes:

(1) A tank which would otherwise be regulated by 40 CFR Part 280 but for the fact that it contains hazardous waste as regulated under Subtitle C of the Federal Solid Waste Disposal Act.

(2) A tank which would otherwise be regulated by 40 CFR Part 280 but for the fact that it is used to store heating oil for consumptive use on the premises where stored.

Vehicle or equipment repair area. An area designated, designed and intended for the purpose of repairing automotive vehicles or equipment.

Well. A bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

SECTION 5. Section 735-804 of the "Revised Code of the Consolidated City and County," regarding the groundwater protection fund, fees and costs, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 735-804. Groundwater protection.

(a) *Groundwater protection fund.* There is created a groundwater protection fund, funds from which shall be used only for those specific activities identified in subsection (c) below.

(b) *Groundwater protection fee.* Each public water supply system that pumps groundwater from one (1) or more wells located within a W-1 or W-5 District shall pay into the groundwater protection fund a percentage of the annual fee assessed by the ~~Board of Public Works~~ Commission, such percentage to be determined by dividing the number of customers served by the water supply system at the end of the calendar year by the total number of customers served at the end of the calendar year by all public water supply systems that pump from one (1) or more wells within a W-1 or W-5 District. The annual fee assessed by the ~~board of public works~~ Commission for any calendar year shall be based on the ~~board of public works'~~ Commission's approved budget for the specific activities identified in subsection (c) below, but shall not exceed two hundred thousand dollars ($200,000.00). Within thirty (30) days following the approval of the ~~Board of Public Works'~~ Commission's budget for the specific activities described in subsection (c) below during the following year, the ~~board of public works~~ Commission shall notify the public water supply systems that pump groundwater from one (1) or more wells located within a W-1 or W-5 District as to the amount of the annual fee to be assessed all such systems for the following year. Each public water supply system subject to this article that pumps groundwater from one (1) or more wells within a W-1 or W-5 District shall report, in writing, to the ~~board of public works~~ Commission on or before January 31 of each year, the number of customers served at the end of the prior calendar year. On or before March 1 of each year, the ~~board of public works~~ Commission shall determine the amount of the annual fee to be assessed and notify each of the water supply systems that pumps groundwater from one (1) or more wells within a W-1 or W-5 District as to the portion of such annual fee to be paid by such public water supply system. The public water supply system shall pay the full amount of its portion of the annual fee assessed by the ~~board of public works~~ Commission on or before March 15 of each year.

(c) *Groundwater protection costs.* The funds in the groundwater protection fund shall be used solely to pay for:

(1) Administrative costs incurred in the implementation of this article;

(2) Study costs incurred in accordance with the provisions of section 735-800(a); and

(3) Costs incurred in establishing and maintaining a wellfield education and registration program.

SECTION 6. Written notice of action on this ordinance as required by IC 36-3-4-14(g)(1) has been waived by the Department of Environmental Management pursuant to IC 36-3-4-14(l) by letter dated April 7, 2010. The Clerk of the Council is directed to give notice pursuant to IC 36-3-4-14(g)(2) to the Department of Environmental Management not later than thirty (30) days after adoption of this ordinance.

SECTION 7. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 8. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 9. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 119, 2010. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 119, 2010 on April 27, 2010. The proposal, sponsored by Councillors Pfisterer and D. Mahern,determines the need to lease approximately 7,056 square feet of space at 1349 South Tibbs Avenue for use by the Warrant Section of the Law Enforcement Division of the County Sheriff. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Pfisterer moved, seconded by Councillor McQuillen, to strike. Proposal No. 119, 2010 was stricken by a unanimous voice vote.

Councillor McHenry reported that the Metropolitan Development Committee heard Proposal Nos. 123 and 124, 2010 on May 3, 2010. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 123, 2010. The proposal, sponsored by Councillor Vaughn, amends portions of the Code regarding the Dwelling Districts Zoning Ordinance amending the setbacks pertaining to land within the Town of Meridian Hills. PROPOSAL NO. 124, 2010. The proposal, sponsored by Councillor Vaughn, amends portions of the Code regarding the Dwelling Districts Zoning Ordinance amending the setback requirements and maximum building heights in the D-S and D-1 dwelling districts. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor McHenry moved, seconded by Councillor Cain, for adoption. Proposal Nos. 123 and 124, 2010 were adopted on the following roll call vote; viz:

26 YEAS: Bateman, Cain, Cardwell, Cockrum, Day, Evans, Freeman, Gray, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn
0 NAYS:
3 NOT VOTING: Brown, Coleman, Hunter

Proposal No. 123, 2010 was retitled GENERAL ORDINANCE NO. 22, 2010, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 22, 2010

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 2010-AO-01

A GENERAL ORDINANCE to amend portions of the "Revised Code of the Consolidated City and County" regarding the Dwelling Districts Zoning Ordinance amending the setbacks pertaining to land within the Town of Meridian Hills and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety , comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth;

WHEREAS, the Town Council of Meridian Hills, Indiana, is duly elected by the citizens of the Town of Meridian Hills;

WHEREAS, the Town Council of Meridian Hills, Indiana, unanimously resolved to request the amendment of the Dwelling Districts Zoning Ordinance as it pertain to land within the Town of Meridian Hills to establish the setback requirements of not only the front yard but also the side and rear yards in accordance with their original 1946 requirements; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 731-200 (a) (4) of the "Revised Code of the Consolidated City and County," regarding the land within the Town of Meridian Hills, is hereby amended by the addition of the language that is underscored, to read as follows:

Sec. 731-200. General dwelling district regulations.

The following regulations shall apply to all land within the dwelling districts.

(a) After the effective date of this ordinance:

(4) The front, side and rear setback and minimum front, side and rear yard requirements of all dwelling zoning districts shall be subject to the following exception for all land within the Town of Meridian Hills, Indiana:

The required front, side and rear setback and minimum front, side and rear yard requirements applicable to all land within the Town of Meridian Hills, Indiana, however presently zoned, shall be not less than the standards of the class R-1, R-2, and R-3 area districts, respectively, previously applicable thereto as said land was formerly zoned, in accordance with the Meridian Hills Zone Map and sections 9, 10, and 12 of the Zoning Ordinance of the Town of Meridian Hills, Indiana, General Ordinance No. 1, 1946, prior to the effective date of the comprehensive Dwelling Districts Zoning Ordinance of Marion County, Indiana, Ordinance 66-AO-2, which rezoned and reclassified said land.

(Said Zoning Ordinance of the Town of Meridian Hills, Indiana, sections 9, 10, and 12 and Meridian Hills Zone Map, adopted by the Marion County Council March 28, 1957, as a part of Marion County Council Ordinance No. 8-1957, are hereby incorporated herein by reference).

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end, the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect on August 1, 2010.

Proposal No. 124, 2010 was retitled GENERAL ORDINANCE NO. 23, 2010, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 23, 2010

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 2010-AO-02

A GENERAL ORDINANCE to the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County which ordinance includes the Dwelling Districts Zoning Ordinance, as amended, and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth;

WHEREAS, the zoning classifications D-S and D-1 are intended to facilitate large lot estate type development as evidenced by their minimum lot size, yet the other development standards do not typify estate type development;

WHEREAS, the vast majority of all areas zoned D-S and most areas zoned D-1 are already developed and feature large front setbacks with an abundance of trees;

WHEREAS, the cumulative effect creates a distinct and pleasant ambiance, aesthetic and quality to the neighborhoods, thus making these lots very desirable; and

WHEREAS, to maintain these unique features of these neighborhoods during redevelopment, the development standards need to be adjusted to reflect these established characteristics in order to preserve the aesthetic and value of the entire neighborhood; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Dwelling Districts Zoning Ordinance of Marion County, Indiana, Section 731-202, of the Revised Code of the Consolidated City and County, as amended, pursuant to IC 36-7-4, is hereby amended by the deletion of the language that is stricken-through and by the addition of the language that is underscored, to read as follows:

Sec. 731-202. D-S Dwelling Suburban District Regulations.

Statement of purpose. *The D-S district is intended for use in areas of extreme topography, areas conducive to estate development, or areas where it is desirable to permit only low density development (such as adjacent to floodplains, aquifers, urban conservation areas, within the extended alignment of airport runways, etc.). Of the dwelling districts providing for only single-family dwellings, the D-S district provides the lowest density in the ordinance. The D-S district provides for single-family residential building lots consisting of at least one acre. A typical density for the D-S district is four-tenths (0.4) units per gross acre. This district represents the very low density residential classification of the comprehensive general land use plan. This district does not require public water and sewer facilities. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife (refer to the cluster subdivision option of section 731-200).*

(a) *Permitted D-S uses.* The following uses shall be permitted in the D-S district. Only one primary use shall be permitted per lot. All uses in the D-S district shall conform to the D-S development standards (section 731-202(b)) and the dwelling district regulations of section 731-200.

(1) *Primary uses.*
   a. Single-family dwelling, including a manufactured home as regulated in section 731-222.
   b. Group home, as defined in section 731-102, and as regulated in section 731-200(a)(8).
   c. Religious use, as regulated in section 731-224.
(2) *Temporary uses*, as regulated in section 731-218.
(3) *Accessory uses*, as regulated in section 731-219.
(4) *Home occupations*, as regulated in section 731-220.

(b) *D-S development standards.*

(1) *Minimum lot area:* One acre; provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such one-acre requirement, provided the average size of all lots within said approved plat shall be at least one acre.

(2) *Minimum lot width and street frontage.*
   a. Minimum lot width at the required setback line: One hundred fifty (150) feet; provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum width for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 150-foot requirement.
   b. Minimum street frontage: Each lot shall have at least seventy-five (75) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.

(3) *Minimum setback lines and yards.*

a. Minimum setback line and front yard: ~~Front yards, having a minimum depth in accordance with the setback requirements of section 731-221(a), shall be provided along all public street right-of-way lines.~~

Front yards shall be provided along all public street right-of-way lines.

The front setback exception of Section 731-200(a)(3)d.1. (*Established front setback exception/averaging)* shall not apply.

The depth of both the front yard and the building setback shall be the greater of the following:

1. forty (40) feet as measured from the existing right-of-way;
2. forty (40) feet as measured from the proposed right-of-way as determined by the Official Thoroughfare Plan; or
3. the average setback of the existing buildings along the linear frontage of the same block.

b. Minimum rear yard: Twenty-five (25) feet.

c. Minimum side yard: Aggregate thirty-five (35) feet; provided, however, no side yard shall be less than fifteen (15) feet.

(4) *Minimum open space:* Eighty-five (85) percent of the lot area.

(5) *Maximum height.*

a. Primary building: Thirty-five (35) feet; or forty-five (45~~0~~) feet, if for each foot of height in excess of thirty-five (35) feet, to an absolute height of forty-five (45) feet, ~~one (1)~~ two (2) additional ~~foot~~ feet of setback ~~shall be~~ are provided beyond such adjacent required ~~front,~~ side or rear yard setback line for each foot of building or structural height above thirty-five (35) feet (See section 731-213, Diagram K).

b. Accessory buildings: Twenty-four (~~20~~24) feet, however in no instance shall an accessory building be higher than the primary building.

(6) *Minimum main floor area.* Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

a. One-story building: One thousand two hundred (1,200) square feet.

b. Building higher than one story: Eight hundred (800) square feet, provided the total floor area shall be at least one thousand two hundred (1,200) square feet.

(7) *Off-street parking and public streets.* Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

SECTION 2. The Dwelling Districts Zoning Ordinance of Marion County, Indiana, Section 731-203, of the Revised Code of the Consolidated City and County, as amended, pursuant to IC 36-7-4, is hereby amended by the deletion of the language that is stricken-through and by the addition of the language that is underscored, to read as follows:

Sec. 731-203. D-1 Dwelling District One Regulations.

Statement of purpose. *The D-1 district is intended for use in suburban areas. There is no specific requirement for the placement of this district other than carrying out the single-family low density patterns expressed by the comprehensive general land use plan. The D-1 district has a typical density of nine-tenths (0.9) units per gross acre. This district represents the very low density residential classification of the comprehensive general land use plan. Under most circumstances, public water and sewer facilities should be present but are not mandatory. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife (refer to the cluster subdivision option of section 731-200).*

(a) *Permitted D-1 uses.* The following uses shall be permitted in the D-1 district. Only one primary use shall be permitted per lot. All uses in the D-1 district shall conform to the D-1 development standards (section 731-203(b)) and the dwelling district regulations of section 731-200.

(1) *Primary uses.*
   a. Single-family dwelling, including a manufactured home as regulated in section 731-222.
   b. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
   c. Religious use, as regulated in section 731-224.

(2) *Temporary uses*, as regulated in section 731-218.

(3) *Accessory uses*, as regulated in section 731-219.

(4) *Home occupations*, as regulated in section 731-220.

(b) *D-1 development standards.*

(1) *Minimum lot area.* Twenty-four thousand (24,000) square feet; provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 24,000-square foot requirement, provided the average size of all lots within said approved plat shall be at least twenty-four thousand (24,000) square feet.

(2) *Minimum lot width and street frontage.*
   a. Minimum lot width at the required setback line: Ninety (90) feet; provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum width for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 90-foot requirement.
   b. Minimum street frontage: Each lot shall have at least forty-five (45) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.

(3) *Minimum setback lines and yards.*
   a. Minimum setback line and yard: ~~Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided along all public street right-of-way lines.~~ Front yards shall be provided along all public street right-of-way lines. The front setback exception of Section 731-200(a)(3)d.1. (*Established front setback exception/averaging)* shall not apply.
      The depth of both the front yard and the building setback shall be the greater of the following:
      1. Thirty (30) feet as measured from the existing right-of-way;
      2. Thirty (30) feet as measured from the proposed right-of-way as determined by the Official Thoroughfare Plan; or
      3. the average setback of the existing buildings along the linear frontage of the same block.
   b. Minimum rear yard: Twenty-five (25) feet.
   c. Minimum side yard: Aggregate twenty-two (22) feet; provided, however, no side yard shall be less than eight (8) feet.

(4) *Minimum open space:* Eighty (80) percent of the lot area.

(5) *Maximum height.*
   a. Primary building: Thirty-five (35) feet; or forty-five (45~~0~~) feet, if for each foot of height in excess of thirty-five (35) feet, to an absolute height of forty-five (45) feet, ~~one (1)~~ two (2) additional ~~foot~~ feet of setback ~~shall be~~ are provided beyond such adjacent required ~~front,~~ side or rear yard setback line for each foot of building or structural height above thirty-five (35) feet (See section 731-213, Diagram K).
   b. Accessory buildings: Twenty-four (~~20~~24) feet, however in no instance shall an accessory building be higher than the primary building.

(6) *Minimum main floor area.* Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:
   a. One-story building: One thousand Two hundred (1,200) square feet.
   b. Building higher than one story: Eight hundred (800) square feet, provided the total floor area shall be at least one thousand two hundred (1,200) square feet.

(7) *Off-street parking and public streets.* Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end, the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect on August 1, 2010.

PROPOSAL NO. 126, 2010. Councillor Hunter reported that the Public Safety and Criminal Justice Committee heard Proposal No. 126, 2010 on April 28, 2010. The proposal, sponsored by Councillors Scales and Oliver, approves a transfer of $29,500 in the 2010 Budget of the Marion County Coroner (County General and Federal Grants Funds) to purchase investigation radios and a body rack for storage. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Mansfield asked if the need for more body racks is due to the increase of murders in the city. Councillor Hunter said that it is more due to unclaimed bodies by family members who cannot afford to make burial arrangements in these tough economic times.

Councillor Hunter moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 126, 2010 was adopted on the following roll call vote; viz:

27 YEAS: Bateman, Cain, Cardwell, Cockrum, Day, Evans, Freeman, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn
1 NAY: Coleman
1 NOT VOTING: Brown

Proposal No. 126, 2010 was retitled FISCAL ORDINANCE NO. 13, 2010, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 13, 2010

A FISCAL ORDINANCE amending the City-County Annual Budget for 2010 (City-County Fiscal Ordinance No. 35, 2009) by appropriating Twenty Thousand Dollars ($20,000) in the Federal Grants Fund and Nine Thousand Five Hundred Dollars ($9,500) in the County General Fund for purposes of the Marion County Coroner's Office.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.04(b) of the City-County Annual Budget for 2010 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Coroner's Office to fund the following: purchase of investigation radios for Deputy Coroners to communicate with officers and other investigators at crime scenes; purchase of body storage rack for the morgue cooler, financed by transfers between characters in the County General and Federal Grants Funds.

SECTION 2. The sum of Twenty-Nine Thousand Five Hundred Dollars ($29,500) be, and the same appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4, where applicable.

SECTION 3. The following increased appropriation is hereby approved:

MARION COUNTY CORONER'S OFFICE	COUNTY GENERAL FUND
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	9,500
TOTAL INCREASE	9,500

MARION COUNTY CORONER'S OFFICE	FEDERAL GRANTS FUND
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	20,000
TOTAL INCREASE	20,000

SECTION 4. The said increased appropriation is funded by the following reductions:

MARION COUNTY CORONER'S OFFICE	COUNTY GENERAL FUND
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	9,500
4. Capital Outlay	0
TOTAL DECREASE	9,500

MARION COUNTY CORONER'S OFFICE	FEDERAL GRANTS FUND
1. Personal Services	0
2. Supplies	20,000
3. Other Services and Charges	0
4. Capital Outlay	0
TOTAL DECREASE	20,000

SECTION 5. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriations for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 129, 2010. Councillor Speedy reported that the Public Works Committee heard Proposal No. 129, 2010 on May 6, 2010. The proposal, sponsored by Councillor Nytes, authorizes parking restrictions on the north side of Brookside Avenue at Newman Street (District 9). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Speedy moved, seconded by Councillor Nytes, for adoption. Proposal No. 129, 2010 was adopted on the following roll call vote; viz:

29 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Freeman, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy
0 NAYS:

Proposal No. 129, 2010 was retitled GENERAL ORDINANCE NO. 24, 2010, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 24, 2010

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Brookside Ave, on the north side, from Newman St. to a point 100' west of Newman St.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 130, 2010. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 130, 2010 on May 3, 2010. The proposal, sponsored by Councillors Moriarty Adams, McQuillen, Lutz, Rivera and Pfisterer, approves the Mayor's establishment of a charter school, "The Excel Center," by issuing a charter to Goodwill Education Initiatives, Inc. By a 7-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Minton-McNeill asked for the age level of the students and asked about the school providing payday loans. Councillor Lutz said that the school targets 18 to 22 year olds. He said that the school helps students with real life instruction and instructs them on how to use payday loans and other types of similar opportunities to their benefit when necessary.

Councillor Mansfield said that she believes providing a niche toward a specific population that is not served by the public school system is what charter schools should be about, and this is a great idea to help those who have had to drop out due to life circumstances receive a high school education. She encouraged her colleagues to support the proposal.

Councillor Lutz moved, seconded by Councillor Mansfield, for adoption. Proposal No. 130, 2010 was adopted on the following roll call vote; viz:

25 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Freeman, Gray, Hunter, Lutz, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Pfisterer, Rivera, Scales, Speedy, Vaughn
4 NAYS: Evans, Lewis, Oliver, Sanders

Proposal No. 130, 2010 was retitled COUNCIL RESOLUTION NO. 53, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 53, 2010

A PROPOSAL FOR A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school, "The Excel Center" by issuing a charter to Goodwill Education Initiatives, Inc.

WHEREAS, the Mayor is authorized by IC 20-24 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-24-3-5 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter to Goodwill Education Initiatives, Inc. for a charter school named "The Excel Center"; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school, "The Excel Center" by issuing a charter to Goodwill Education Initiatives, Inc.

SECTION 2. This resolution shall be in full force and effect from and after adoption.

PROPOSAL NO. 131, 2010. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 131, 2010 on May 11, 2010. The proposal, sponsored by Councillor Speedy, authorizes the transfer of the waterworks and the sewage works of the City of Indianapolis to Citizens Energy Group. By a 5-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Lutz said that due to some amendmens made in committee, the digest may be a little misleading. He said that the proposal does not actually authorize the transfer, but establishes a Utility Transfer Oversight Committee, which will review the definitive agreements, and then wil make a recommendation to the full Council, who will make final approval of the transfer. He added that another amendment made in committee prohibits any funds from this transaction from being used for any professional sports team. He said that there have been 40 public meetings, as well as six committees of this body reviewing this proposed transfer, with other one-on-one meetings between district Councillors and the administration, for a total of 58 meetings.

Councillor Gray asked all those in the audience in support of the proposal to stand, and then asked all those who work for city government or Citizens Energy Group to sit. He said that this proves that most of those in attendance this evening in support of the proposal are here because they want to have or save a job. President Vaughn thanked Councillor Gray for recognizing these individuals and said that one of the main concerns of this administration has been to put people to work, and this simply proves that this transaction will help citizens become or stay employed.

Councillor Oliver asked what the dollar amount is for curbs and sidewalks. Councillor Lutz said that there is a backlog of curbs and sidewalk requests of approximately $1.1 billion. He said that $425 million will be generated by this transaction to help address that backlog. Councillor Oliver said that he has not seen a list of projects, and there may be some requests still on the list that were submitted before he came to serve on the Council, and he would like to see those projects planned, so that he can weigh in on which ones are a true priority. Councillor Lutz said that the Department of Public Works (DPW) is still preparing that list, but he believes there are many projects in Councillor Oliver's district included in the drafts he has seen. He said that he believes these lists have been shared with Council members.

Councillor Brown asked if the list of DPW projects will be put into the final contract. Councillor Lutz said that they probably could put a list in the contract, but the contract is actually for the sale, and does not have to do with the improvements the city will be making. President Vaughn stated that the contract will not contain that list, but that money will have to be appropriated by the Council and will come before this body for approval. Councillor Brown asked if this transaction is actually a sale or a transfer, as he has heard it referred to both ways. Councillor Lutz said that it is technically a sale, but can be referred to either way interchangeably. Councillor Brown stated that it has been testified that many jobs will be created, but asked if some will not be lost through synergies. Councillor Lutz said that most likely, the jobs created will be with regard to the construction industry and the new projects financed by the sale proceeds. He said that Citizens' Energy Group (CEG) has testified that any job loss will be through retirement or attrition and they hope to be able to keep all current employees who wish to remain employed by CEG. He said that some jobs will be lost in the legal arena probably once this deal is done. Councillor Brown said that he agrees with the Mayor that the water and wastewater issues need to be addressed and they need money for infrastructure. Therefore,

because he is accountable to the taxpayes, he cannot necessarily say this sale is a bad thing, but it has been the only thing presented, and he would have liked to have seen a Plan A and Plan B, with some room for restructuring into Plan C, which could then be taken to the taxpayers for a referendum. He said that they did that with the County Option Income Tax (COIT) increase, and the voters supported them. He said that the administration should have brought them alternatives. He said if he had all these lawyers, he could have come up with more options.

Councillor Brown moved, seconded by Councillor Gray, to table Proposal No. 131, 2010. The motion failed on the following roll call vote; viz:

12 YEAS: Bateman, Brown, Evans, Gray, Lewis, MahernB, MahernD, Mansfield, Minton McNeill, Nytes, Oliver, Sanders
17 NAYS: Cain, Cardwell, Cockrum, Coleman, Day, Freeman, Hunter, Lutz, Malone, McHenry, McQuillen, Moriarty Adams, Pfisterer, Rivera, Scales, Speedy, Vaughn

Presidetn Vaughn stated that in the last committee meeting, union members asked questions, and testimony was given that no one wold be fired, but jobs would only be lost through attrition. He said that in the consolidation, current employees could possibly be retrained for different jobs within CEG and would have the opportunity to work in different areas.

Councillor Lewis asked if the 25% in savings in the rise of water and sewage bills is in writing. Councillor Lutz said that this percentage is based on data and analysis. Councillor Lewis asked if it is then just a guesstimate. Councillor Lutz said that it is, and is a conservative estimate, and could likely be more.

Councillor Minton-McNeill said that her district desperately needs curbs and sidewalks, but she asked if any streets could be eliminated from the list that Councillors received with $188 million in priority one projects identified. President Vaughn said that this question is not germane to Proposal No. 131, 2010 and should be posed during discussion of the next proposal, dealing with the payment in lieu of taxes (PILOT) and how those dollars will be spent.

Councillor Lutz said that the estimates for rate increases was based on analysis of combined sewer overflow (CSO) repairs, the number of water company ratepayers, and current mandated obligations from the Environmental Protection Agency (EPA). He said that ratepayers were looking at a 400% increase in sewers and 100% increase in water if the administration does nothing. He added that this transaction would reduce the 400% increase in sewer to 300% and the water increase down to 68%. He stated that it is important to keep in mind that this transaction will not decrease or totally eliminate the increase of sewage and water bills.

Councillor Sanders said that an issue that the Democrat members have been struggling with as a caucus is the fact that they have not been privy to all of the documents. She said that she sent a letter on April 28, 2010 to Chris Cotterill, Chief of Staff, Mayor's Office, and Carey Lykins, chief executive officer, CEG. She said that while Mr. Cotterill was instrumental in putting together the FTP website, there were some 500 documents on that site that were not released until Friday. She said that she would have at least appreciated an e-mail message in response telling her where she could find some of the information and when the rest would be available. She said that she also has concerns about where some of these numbers reported in savings and rate increases are coming from, and what analysis and formulas were used to develop those numbers. She said that she also did not receive any response from Mr. Lykins, who might have assumed Mr. Cotterill already responded and there was no need for him to do so. She said that feedback was also requested from the public, and she has not receive that yet. Councillor Sanders said that they

have had less than three days to digest this material, and that is impossible, meaning that they are operating in a vacuum. She added that no Democrat in this room is against funding for infrastructure or against synergies and combining utilities. However, she does not understand why this process was not more properly vetted, why they cannot look at other options, and why there is such a rush to move forward with this only option presented. She said that if this is a good deal today, then it will be a good deal a month from now. She said that the excuse has been given that the administration wants to take advantage of the Build America bonds, but the Build America bonds do not expire until December, and this is May. She said that they still have time to review other options. She said that this is a tax increase imbedded and hidden within rates, so as not to appear as a tax increase. She said that unlike takes, homeowners cannot deduct these rates from their taxes, yet businesses can. Not-for-profits will assume that increase without the ability to offset it with a tax deduction. She said that these seemingly unintended consequences need to be looked at, and they need more discussion to come to a fair solution for all, and it is premature to vote on this so quickly.

Councillor Lutz said that all this ordinance says is that the administration and CEG will continue negotiations. He said that the they will still have to come back to the Council with definitive agreements to approve in June or July. He added that although the Build America bonds are available until December, they must have final approval by the Indiana Utility Regulatory Commission (IURC) by then, and the IURC often moves slowly, and it might be problematic getting them through that process before the end of the year. He said that he is glad the loyal opposition is claiming that they want something definitive to look at, seeing as how they passed a budget four years ago with four empty pages. He said that the only alternative Councillor Sanders is suggesting is raising property taxes to pay for the infrastructure needs, and he knows for sure that his constituents do not want any part of a tax increase. He said that there is a big difference between taxpayers and ratepayers.

Councillor Sanders said that ratepayers are taxpayers, and user fees should be reserved for delivery of particular services, and using them for anything else is a tax. She said that this memorandum of understanding (MOU) gives the city the opportunity to continue negotiating in spite of the fact that they do not have the authority to do so. The Department of Waterworks has that authority, and their board does not meet until the end of May, so what the administration and Council is doing is tacitly illegal.

Councillor Mansfield said that she has concerns about selling off natural resources, key real estate properties and greenways. She said that many are interested in keeping rates reasonable and providing for infrastructure, and have offered other ways for this to be accomplished. Shes aid that Waterworks could be consolidated under DPW, taking advantage of the cost savings and synergies identified by Director David Sherman, DPW. She said that the transaction could be done through a lease without giving up complete control of all assets. She said that the IURC would not be objective in approving this transaction, because if it goes through, they will have an added revenue stream. She said that a valuable resource like water is different than buying gas and pumping it through infrastructure. She said that she has concerns as to whether this is legal according to IC 8-1-11.1-3 (b), as there is no indication they have the authority to sell or transfer these utilities. President Vaughn said that this code section deals with CEG leasing the utilities. General Counsel Robert Elrod confirmed that this section refers to CEG leasing utilities owned by them to someone else. He said that nothing in this proposed transaction has CEG leasing anything to anyone. Councillor Mansfield said that she still has concerns about not considering other alternatives.

Councillor Speedy said that a vote to delay action on this is a vote to raise taxes and a continuation of the do-nothing attitude regarding addressing infrastructure rates that got the city where it is today. He said that this transaction will mitigate sewer and water rate increases. He said that the administration has studied many options over a year and no other combination can bring the value that this proposal with CEG brings to the table. CEG has a 120+ year history in Indianapolis, and can provide customer service to the constituents and benefits the city needs. He said that there are not details available, because the details have not yet been worked out. That is the reason for this special committee. Councillor Speedy said that the worst thing they could do this evening is to delay action.

Councillor Hunter said that several members are complaining that there were no Options B or C. He said if these members would visit the Mayor's website, they would see 27 options listed as A through Z, plus one. He said that he appreciates the new website, and he would beg to differ that this process has been very transparent, with many neighborhood meetings and public hearings. He said that there is a difference between ratepayers and taxpayers, and if they do not act, it will result in higher utility bills, which most families cannot afford. He encouraged the body to move forward toward a definitive agreement.

Councillor Coleman said that one caucus seems to be urging against moving forward, but he would urge his colleagues to vote for the people and not for their caucus. He said that if this proposal is killed, it takes the option off the table, but if they vote for the measure, debate continues. He moved, seconded by Councillor Pfisterer, to call the question on Proposal No. 131, 2010. The motion failed on the following roll call vote; viz:

> *9 YEAS: Cain, Cardwell, Cockrum, Coleman, Freeman, Malone, McHenry, McQuillen, Pfisterer*
> *20 NAYS: Bateman, Brown, Day, Evans, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Mansfield, Minton McNeill, Moriarty Adams, Nytes, Oliver, Rivera, Sanders, Scales, Speedy, Vaughn*

Councillor D. Mahern thanked the Mayor's staff for working to get them information, and some things have gone very well, while others could use some work. He said that making 500 pages available on Friday with 500 documents is not enough time to digest. He said that he understands the concerns about blank budget pages, and said that if it was not the right thing to do then, then this is not the right thing to do now. He said that he would like to see a running total of how much this transaction is costing per day with only one company involved.

Councillor Bateman said that he is not sure if this is a good or bad deal, because there has not been enough information. He said that the city definitely needs infrastructure, but not enough information has been provided to make a decision.

Councillor Minton-McNeill said that since this transfer is predicted to reduce rates over 15 years, she asked if the rates are expected to increase regardless of who owns the utility. Councillor Lutz responded in the affirmative. President Vaughn said that Indianapolis is under a federal consent decree to comply with EPA regulations, and they are compelled to spend a great amount of money regardless of who owns or operates the utility.

Councillor Brown said that if nothing is done, then the rates increase 400%. He asked if the transfer takes place, if the increase is only 300%. Councillor Lutz said that these are only projections and no one can say with certainty what the actual increase will be. Councillor Brown asked if these percentage savings will be included in the final document. Councillor Lutz said

that he doubts they will be, but the Council will have the opportunity to debate that document if this proposal passes, and they move forward with negotiations. Councillor Brown said that the increase could then actually be more or the savings could potentially be more. Councillor Lutz said that no one can predict the future with certainty. Councillor Brown added that Councillor Lutz indicated the digest was misleading. He asked if that can be corrected. President Vaughn said that, even though the digest is not a part of the final document, he would be happy to have that corrected.

Councillor Brown asked when the Council gave the administration the authority to start negotiations. Councillor Lutz said that he does not think they necessarily did. Councillor Brown asked if this proposal, however, gives the administration the authority to continue those negotiations. Councillor Lutz said that it does, and then requires that they bring back a definitive agreement for Council approval. Councillor Brown asked why the administration is ahead of these negotiations. President Vaughn stated that the city issued a request for expression of interest (REI) and lots of companies responded. The Infrastructure Advisory Commission (IAC) and other groups evaluated those submissions and recommended this option to the Mayor's Office. The administration is further ahead than the Council because they are driving the train. He said that this proposal encourages the administration to continue to negotiate according to the MOU. If the Council does not support the concept, then they should vote it down so that money is not continuing to be spent on the negotiation process, as Councillor D. Mahern alluded. Councillor Brown asked if a referendum vote could be taken to let the citizens decide what to do with their water company. Councllor Vaughn sadi that there is no current state law that allows a referendum on this issue, but they could petition the Legislature. Mr. Elrod confirmed that the law only provides for a referendum if the Legislature has authorized a referendum on that particular question, and they have not authorized one on this question. Therefore, a bill would have to be passed by them first to allow it. Councillor Brown stated that a referendum could, then, be done. Mr. Elrod said that it could if the Legislature allows it.

Councillor B. Mahern said that approving this proposal would make the Council a signatory to the MOU. President Vaughn stated that this is incorrect. Councillor B. Mahern said that by passage of this proposal, the Council would be directing them to continue negotiations, and therefore, giving their blessing to the MOU. He added that he also has concerns about the time they have had to review the documents and respond with alternatives. President Vaughn stated that there have been six meetings of this Council and this committee regarding this matter, not counting the countless other public meetings. Chris Cotterrill, Chief of Staff, Mayor's Office, said that the REI was released to the public in June or July of last year. After some discussion, the administration met with eight or nine of the respondents. In September, CEG submitted a letter and *The Indianapolis Star* reported on the initial offer. He said that after that offer, they began to draft the MOU, and countless terms were added to help protect the city as they began to negotiate. Councillor B. Mahern asked if they have essentially been negotiating terms then for six months. Mr. Cotterill responded in the affirmative. Councillor B. Mahern asked if the administration would have made the decision to sign the MOU on March 9, 2010 if 500 pages were delivered to the Mayor's Office three days before. He said that the city had six months to review that negotiation with countless lawyers at their call. He said that it is not proper to ask them to say that they agree in essence with the principle of the MOU after only having the information for three days, two of which were a weekend. Mr. Cotterill said that he appreciates Councillor B. Mahern's attention to the matter and will continue to provide more information as it becomes available. He said that he would have to go on record as saying he does not agree with the suggestion that the administration has not been transparent in this process.

Councillor Freeman said that he is a rookie member of this body, but has found the Mayor's Office and Mr. Lykins to be very responsive, and he has had meetings with both and discussed his concerns. He said that he does not yet have all the answers yet, but neither does the administration, and this vote simply moves the debate forward.

Councillor Sanders said that she believes Mr. Cotterill means well and is a loyal employee, but it begs the question that if all documents were available and readily accessible, why it took until May 14, 2010 to see even a part of these documents when a writen letter ws sent on April 28, 2010. She said that she would like to believe the administration wants to be transparent, but this circumstance does no show that. She said that another option is that the administration and Council could conceivably change their budget priorities to address the infrastructure needs.

Councillor Hunter said that he appreciates the argument, but opportunities have been extended to the Democrat members as much as to Republican members. He said that the Mayor's Office held a meeting with Councillor Sanders on March 1st, where initial information was shared and the schedule of public hearings was relayed. Councillor Sanders said that her meeting with Deputy Mayor Michael Huber and Mayor's Office Council liaison John Cochran on March 1st indicated to her that they were a long way off from seeing any announcement or document, yet within nine days there was a document and an announcement.

Councillor Rivera said that he is new on the Council, and not all of his questions have been answered either. He said that there has been a 37-page MOU available to all Councillors since early March. This transaction does not call for any new taxes, and all of the rate increases being predicted will actually be mitigated by this transfer. He said that other cities like Jacksonville, Florida and Omaha, Nebraska have done similar transactions and realized savings. CEG is a local company with a proven track record of success. He said that a $425 million injection into infrastructure will create jobs, improve neighborhoods, continue the septic tank elimination program (STEP). The transaction takes advantage of historically low interest rates. He added that ratepayers are not all taxpayers, as some ratepayers live outside of the county, but use the water. He added that over 20 entities responded to the REI, and the deal is not yet finished, which is why the Council does not yet have all the answers. He said that he has been impressed by the transparency shown in this process.

Councillor Evans said that he has no problem with CEG running the gas utility, but giving them the water and sewer utilities, also, creates a monopoly and is a bad deal for the city, which will result in an increase in water rates.

Councillor Oliver asked if maybe the Republican members of the Council have information the Democrat members do not have. He said that possibly some members have knowledge of projects to be funded in their district with these transaction dollars. He said that he has not received that same information.

Councillor B. Mahern said that there have been a lot of backdoor meetings as well as public meetings, and it is important to have questions asked and answered in public meetings. He said that there has not been an open transparent discussion in a meeting to-date. He said that this body should wait for additional information before moving forward with this.

Councillor Lutz moved, seconded by Councillor McQuillen, for adoption. Proposal No. 131, 2010 was adopted on the following roll call vote; viz:

18 YEAS: Cain, Cardwell, Cockrum, Coleman, Day, Freeman, Hunter, Lutz, Malone, McHenry, McQuillen, Moriarty Adams, Nytes, Pfisterer, Rivera, Scales, Speedy, Vaughn
11 NAYS: Bateman, Brown, Evans, Gray, Lewis, MahernB, MahernD, Mansfield, Minton McNeill, Oliver, Sanders

Proposal No. 131, 2010 was retitled SPECIAL ORDINANCE NO. 4, 2010, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 4, 2010

A PROPOSAL FOR A SPECIAL ORDINANCE authorizing the transfer of the waterworks and the sewage works of the city of Indianapolis, Indiana, and certain related matters,

Witnesseth that:

WHEREAS, the City of Indianapolis, Indiana (the "City") and the Sanitary District of the City of Indianapolis (the "Sanitary District"), acting by and through the board of public works, ("Board of Public Works"), the governing body of the City's Department of Public Works, own and operate, pursuant to the provisions of Indiana Code 36-9-25 and related statutes, a wastewater collection and treatment system, including without limitation, the Belmont and Southport wastewater treatment facilities (the "Wastewater System"); and

WHEREAS, the City and the Waterworks District of the City (the "Waterworks District" and collectively, with the Sanitary District, the "Districts"), acting by and through the board of directors ("Waterworks Board" and collectively with the Board of Public Works, the "Utility Boards"), the governing body of the City's Department of Waterworks, own and operate, pursuant to the provisions of Indiana Code 8-1.5-4 and related statutes, a water system (the "Water System" and collectively with the Wastewater System, the "Systems"); and

WHEREAS, the City recognizes the impact Wastewater System operations have on the quality of water in Indianapolis rivers, streams and aquifers and has therefore determined that an integrated watershed-wide effort is necessary to achieve the ultimate water quality goals of the City; and

WHEREAS, such an integrated effort will (i) complement control measures being undertaken to ensure compliance with water quality based requirements of environmental laws, such as the Clean Water Act; and (ii) enhance the ability to maintain the quality of the City’s water supply in accordance with requirements such as Indiana's water quality standards and National Pollutant Discharge Elimination System permits; and

WHEREAS, studies have shown that (i) issues related to urban water supply and demand should not be considered independently of issues related to wastewater disposal and water reuse; and (ii) water management strategies and opportunities for water reuse can only be properly evaluated in the context of their interactions with the overall waterworks system; and

WHEREAS, the U.S. Environmental Protection Agency has recognized that ensuring a sustainable water supply and infrastructure is a top national priority and has led collaborative efforts to integrate the management systems for water and wastewater operations, such as establishment of the Sustainable Water Infrastructure Initiative designed to ensure that all components of our nation's water infrastructure are capable of meeting future needs; and

WHEREAS, other governmental entities have recognized the benefits of structuring integrated management systems that are responsible for the efficient and environmentally responsible provision of drinking water, wastewater collection and treatment and water and wastewater transportation services to residents of their communities; and

WHEREAS, the Department of Public Utilities of the City of Indianapolis, acting by and through the Board of Directors for Utilities (and on behalf of the utility special taxing district by the Board of Directors for Utilities and all of the existing or future divisions and affiliates, including but not limited to the affiliate designees referred to in the MOU (as defined herein), and the affiliates created pursuant to the Interlocal Agreements (as defined herein), pursuant to which the Board of Directors for Utilities holds or will hold assets in public charitable trust for the benefit of its utility customers and the inhabitants of the City) (collectively, "Citizens") is vested by Indiana Code 8-1-11.1 with the power to own and operate utility properties of any kind within the City, or outside the City within the limits authorized by law, and to own all utility property related or belonging thereto; and

WHEREAS, Citizens currently provides local gas distribution services to the City and the residents of Marion County, Indiana ("Citizens Gas"), and in conjunction therewith owns and operates a steam production,

transmission and distribution plant and a chilled water production and distribution plant for the provision of steam service and chilled water in the downtown areas and near downtown areas of the City ("Citizens Thermal"), and through its direct and indirect affiliates engages in other energy-related ventures; and

WHEREAS, the City issued a Request for Expression of Interest regarding integration of the Systems into a combined operation, as it explored ways to achieve operating efficiencies, to improve customer service, to keep customer rates as low as possible and to raise capital to fund important City infrastructure needs; and

WHEREAS, Citizens investigated and continues to investigate and study ways in which it may more efficiently and effectively provide service to its customers and otherwise satisfy the purposes of providing utility services in public charitable trust to its utility customers and the inhabitants of the City; and

WHEREAS, Citizens has determined that the combined operation by Citizens of the Systems, Citizens Gas and Citizens Thermal will result in operating and capital project synergies for the benefit of the City and its inhabitants, thus resulting in lower rates for all utility customers than would otherwise result in the absence of such combined operation; and

WHEREAS, Citizens' unique structure will ensure that local control over critical Central Indiana utilities will continue with the same invulnerability to takeover by distant companies and investors that has protected the utilities held by Citizens in public charitable trust for over one hundred years and will also ensure local reinvestment and community-based decision making; and

WHEREAS, Citizens responded to the City's Request for Expression of Interest and engaged in extensive discussions with the City, which resulted in the City and Citizens entering into a Memorandum of Understanding, dated March 9, 2010, in the form attached hereto as "Exhibit A" and incorporated by reference herein (the "MOU") which, among other provisions, provides for the acquisition by Citizens of all real and personal property, all cash and cash equivalents, all contracts, licenses and leases, and all intellectual property used, necessary or important in the operation of the Systems, unless otherwise excluded by mutual agreement and sets forth the terms and conditions which must be satisfied before any such transaction may proceed; and

WHEREAS, the City, the Districts and Citizens have the power under Indiana Code 36-1-7 to enter into and have determined that it would be advisable to enter into to one or more Interlocal Cooperation Agreements for the Provision of Utility Services (the "Interlocal Agreements") in substantially the forms attached hereto as "Exhibit B," including the creation of an affiliate of Citizens consisting of a separate legal entity organized as an Indiana nonprofit corporation and controlled by Citizens ("Authority") for the purpose of providing for the administration of an Interlocal Agreement through the Authority or by delegation to Citizens and for the purpose of acquiring, owning, operating and exercising all of Citizens', the City's and the Districts' powers that are necessary, useful or appropriate to the acquisition, ownership and operation of the Systems; and

WHEREAS, each of the City, the Districts and Citizens are political subdivisions under Indiana Code 36-1-2-13 and are therefore governed by Indiana Code 5-22-22, 36-1-7 and 36-1-11; and

WHEREAS, the City-County Council of the Consolidated City of Indianapolis and Marion County (the "City-County Council") may create and terminate City departments, divisions, offices and other agencies and, except as otherwise provided by law, transfer the powers, duties, functions and obligations to or from such departments, divisions offices and agencies; and

WHEREAS, the City and Citizens have determined that it would be advisable for Citizens to acquire the Systems in order to achieve the benefits of integration and operating synergies described above; and

WHEREAS, the City will enter into one or more Asset Purchase Agreements (collectively, the "Definitive Agreements") with Citizens providing for the acquisition by Citizens of the Systems; and

WHEREAS, the purchase price and other terms and conditions upon which Citizens will acquire the Systems, shall be as set forth in one or more Definitive Agreements, consistent with the provisions of the MOU; and

WHEREAS, the City has found the transfer and delegation to, and vesting in and exercising by Citizens, of all of the powers, duties, functions and obligations of the Districts that are necessary, useful or appropriate to the acquisition, ownership and operation of the Systems and the sale and transfer and operation of the Systems to Citizens on the terms and conditions set forth in the MOU and as set forth in the Interlocal Agreements would be expedient and in the best interests of the Districts, and the proper serving of the inhabitants of the City and communities within Marion County and, in furtherance of interlocal cooperation, nearby counties; and

WHEREAS, the Authority:

a. will be qualified to own, operate and finance the Systems under various federal and state statutes or regulations;

b. will be organized as a nonprofit corporation under the Indiana Nonprofit Corporation Act of 1991, as amended, Indiana Code 23-17, et. seq., and will be exempt from federal taxation;

c. will be governed by a Board of Directors, the members of which shall be those individuals who are appointed by the Board of Trustees for Utilities of the Department of Public Utilities of the City, from time to time in the manner set forth in Indiana Code 8-1-11.1-1, as members of the board of directors for utilities of Citizens;

d. will be authorized to operate the Systems through the employees of Citizens and others;

e. will have all of the powers of Citizens, the District and the City which are necessary, useful or appropriate for the acquisition, ownership and operation of the Systems;

f. will be a "qualified entity" under Indiana Code 5-1.4-1-10;

g. will be an "issuer" under Indiana Code 5-1-14-4(a);

h. will meet the definition of an eligible borrower under applicable environmental requirements;

i. will meet the State Revolving Fund/U.S. Environmental Protection Agency definition of a qualified owner/operator; and

j. will have the same power and authority with respect to debt, bond and other financing as set forth in the Interlocal Agreement; and

WHEREAS, the City and the Districts have the authority to sell and transfer the Systems to Citizens under Indiana law, including without limitation pursuant to the following:

a. each of the City, the Districts, and Citizens is governed by Indiana Code 36-1-11 because each is a political subdivision;

b. each of the City, the Districts, and Citizens is a governmental entity under Indiana Code 36-1-11-8;

c. each of the City, the Districts, and Citizens is a governmental body under Indiana Code 5-22-22;

d. Indiana Code 5-22-22-10 provides each of the City, the Districts, and Citizens with the authority to transfer or exchange property and establishes a process for doing so;

e. the other provisions of Indiana Code 5-22-22 for disposal do not apply because Indiana Code 5-22-22-10 provides an independent process from those other requirements;

f. Indiana Code 36-1-11-8 provides each of the City, the Districts, and Citizens with the authority to transfer or exchange property and establishes a process for doing so;

g. the other provisions of Indiana Code 36-1-11 for disposal do not apply because Indiana Code 36-1-11-8 provides an independent process from those other requirements;

h. Indiana Code 36-1-7 specifically provides the authority to transfer the Systems, without compliance with any other statute; and

WHEREAS, Citizens' acquisition of each of the Systems will be as a going concern and as part of an integrated transaction involving both Systems, with each part dependent on the other; and

WHEREAS, Citizens' acquisition of the Systems presents a unique opportunity the benefits of which are not otherwise available to the residents of the City, unless the acquisition is made by Citizens; and

WHEREAS, based on the due diligence completed through the effective date of this ordinance, the due diligence demonstrates:

a. The Systems are synergistic with existing operations and position Citizens as a provider of a broader range of services;

b. similarities between current operations of Citizens and the Systems provide opportunities to reduce operating costs; and

c. acquisition by Citizens preserves local ownership of the Systems; and

WHEREAS, IC 36-8-2-4 permits the City to regulate conduct, or use or possession of property, that might endanger the public health, safety, or welfare; and

WHEREAS, IC 36-8-2-7 permits the City to regulate any business use of a watercourse; and

WHEREAS, IC 36-8-2-8 permits the City to regulate the introduction of any substance or odor into the air, or any generation of sound; and

WHEREAS, IC 36-9-2-8 permits the City to establish, vacate, maintain, and control watercourses; and

WHEREAS, IC 36-9-2-10 permits the City to regulate the taking of water, or causing or permitting water to escape, from a watercourse; and

WHEREAS, IC 36-9-2-11 permits the City to regulate conduct that might alter the temperature of water, or affect the flow of water, in a watercourse; and

WHEREAS, IC 36-9-2-12 permits the City to regulate the introduction of any substance into a watercourse or onto its banks; and

WHEREAS, IC 36-9-2-16 permits the City to regulate the furnishing of the service of collecting, processing, and disposing of waste substances and domestic or sanitary sewage; and

WHEREAS, IC 36-1-3 authorizes the City to exercise Home Rule powers; and

WHEREAS, the City-County Council desires to provide a preliminary approval of the sale of the Systems to Citizens and related actions subject to the adoption of an ordinance confirming that the Definitive Agreements are consistent with the terms of the MOU and approving the execution of the Definitive Agreements (the "Approving Ordinance"); now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA;

SECTION 1. Pursuant to IC 36-3-4-18(a)(6), there is hereby created a committee of the City-County Council to be called the "Utility Transfer Oversight Committee" which shall have as its purpose to review the Definitive Agreements and to consider the Approving Ordinance. The President of the City-County Council shall appoint six (6) councillors to the committee and the Minority Leader shall appoint five (5) councillors to the committee.

SECTION 2. The City-County Council hereby approves the MOU. Upon the adoption of the Approving Ordinance, the sale and transfer of the Systems to Citizens are hereby approved, subject to the satisfaction of the terms and conditions set forth in this ordinance, the Interlocal Agreements, and the MOU and subject to all required governmental approvals. This ordinance is deemed to be a resolution for purposes of IC 5-22-22-10 and IC 36-1-11-8.

SECTION 3. The City-County Council hereby approves the substantially final form of the Interlocal Agreements attached hereto. Upon the adoption of the Approving Ordinance, the Mayor and all other appropriate officers and employees of the City and the Districts are hereby authorized to execute and deliver the Interlocal Agreements (with such changes as the officers executing the Interlocal Agreements deem appropriate and the approval of the Corporation Counsel as to form and legality) and to take all actions and execute all documents necessary and appropriate to vest in Citizens or the Authority the requisite power and authority to consummate the transactions proposed herein.

SECTION 4. Upon the adoption of the Approving Ordinance, the City-County Council hereby authorizes the Mayor and other appropriate officers and employees of the City and the Districts to take all actions and execute all documents necessary to provide for the sale of the Systems as provided herein.

SECTION 5. Upon the adoption of the Approving Ordinance, the transfer and sale of the Systems as set forth herein, the MOU, the Definitive Agreements and the Interlocal Agreements constitute an irrevocable action on the part of the City-County Council and such transfer and sale constitute an irrevocable pledge of such property for purposes set forth herein pursuant to Indiana Code 5-1-14.

SECTION 6. The adoption of this ordinance constitutes the specific manner for exercising Home Rule power in accordance with IC 36-1-3-6.

SECTION 7. The Corporation Counsel shall review the Revised Code and prepare any necessary proposals to amend the Revised Code to recognize the effect of the transfer of the Systems and, after the adoption of the Approving Ordinance, shall refer such proposals to the Clerk of the City-County Council for consideration. If any changes to the Revised Code are proper to include in the Approving Ordinance, the Corporation Counsel shall ensure that such changes are provided to the Clerk for inclusion therein.

SECTION 8. No part of any funds received on account of, or in payment for, the assets transferred pursuant to any Definitive Agreements entered into pursuant to the MOU approved by this Ordinance shall be used by any agency, department, division of the City of Indianapolis or Marion County (including any municipal corporation whose budget is subject to adoption by this Council) or any of its Boards or commissions to provide any financial aid or assistance or subsidy to any professional sports team.

SECTION 9. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance. The provisions of this ordinance are severable.

SECTION 10. This ordinance shall be in full force and effect from and upon compliance with IC 36-3-4-14, and all ordinances in conflict herewith are hereby repealed to the extent of such conflict.

The President called for a ten-minute recess at 9:40 p.m. and reconvened the City-County Council at 9:50 p.m.

PROPOSAL NO. 132, 2010. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 132, 2010 on May 11, 2010. The proposal, sponsored by Councillor Speedy, authorizes the issuance and sale of revenue bonds to procure funds to be applied to the costs of the construction, renovation, rehabilitation and installation of improvements to the public ways, including roads, streets, alleys, trails, sidewalks and other public facilities, appropriating the proceeds derived from the sale of such bonds, modifying the amount of payments in lieu of taxes payable by the sanitary district. By a 5-3 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Lutz reported that the proposal was amended to specify that none of these funds were to be used as a subsidy for any sports teams. He said that another amendment reduced the amount from $189 million to $170 million, at the suggestion of Council Chief Financial Officer (CFO) James Steele, to make the bonds more efficient and more realized, with less interest paid.

President Vaughn referred back to Councillor Minton-McNeill's question during the discussion of the previous proposal, and said that it is his recollection that they do not quite know how much the bond amount could generate, and they could get between $145 or $135 million. He said that the city intends to spend every bit they get on priority one projects. If the amount for priority one projects exceeds the bond proceed amount, then some of those costs would be pushed back to be paid for by the CEG deal if the deal goes through. Councillor Minton-McNeill said that she is not satisfied with the priority one projects, and it seems most are located downtown. She said that the wealth should be spread around, and she has concerns about some of the projects listed that are in tax increment financing (TIF) districts, where there are revenues available to fund these projects, while other areas do not have those resources. She said that it seems the city determines what is priority and even though she submitted a wish list, most of those projects are not included, and

she feels the district Councillor should have some input in knowing what is most important in their community.

Councillor Mansfield said that she finds this proposal to be fiscally imprudent. They are taking 30 years of payment in lieu of taxes (PILOT) money to pay for projects with a life expectancy of five to ten years. Over 15 years of payment are going into financing costs, and this is fiscally irresponsible.

Councillor Bateman moved, seconded by Councillor Gray, to table Proposal No. 132, 2010. The motion failed on the following roll call vote; viz:

> *11 YEAS: Bateman, Brown, Evans, Gray, Lewis, MahernB, MahernD, Mansfield, Minton McNeill, Oliver, Sanders*
> *18 NAYS: Cain, Cardwell, Cockrum, Coleman, Day, Freeman, Hunter, Lutz, Malone, McHenry, McQuillen, Moriarty Adams, Nytes, Pfisterer, Rivera, Scales, Speedy, Vaughn*

Councillor B. Mahern said that amendments were made at the 11th hour once again, and he does not know how it can be considered, even though the deal with CEG has not been approved, since the PILOT payments are to be payed by the savings from the deal. President Vaughn said that the proposals were introduced separately, because they are legally two separate decisions. He said that this proposal is independent of the CEG transfer, and payments will come from savings. If the deal does go through, then CEG will make the PILOT payments, and use its own money to make those payments, similar to the ones DPW would make, made possible by operational savings. Councillor B. Mahern said that these payments will not come from operational efficiencies, but instead from ratepayers. President Vaughn said that this Council approved a rate structure for sewer projects and the EPA contract. Director Sherman was able to negotiate down that obligation, and the incremental difference would be used to fund the PILOT. Councillor B. Mahern said that there was no indication when they raised the rates that they were contemplating spending them on streets and sidewalks. He said that old taxes never die, they just get re-purposed. He said that this is a bad deal when they are bonding $170 million and coming away with $140 million for projects. He said that if closing costs on a home were 20%, it would be considered a bad deal, and while infrastructure is greatly needed, this, too, is a bad deal.

Councillor Brown asked what kind of trails or public facilities would be included in priority one projects. President Vaughn said that he does not have that list in front of him. Councillor Lutz said that this list was produced by DPW and was circulated to every member of the Council. Director Sherman stated that the initial list mostly included streets, sidewalks and roadways, but there is the potential to put in bike lanes on some of these projects if rates come in lower than expected. He said that the list was based on all those wish lists provided by Councillors over the years, lists from neighborhood associations, complaints from the Mayor's Action Center (MAC), and physical staff inspections. He said that 2000 was the last time a pavement index was created, and this caused some challenges, but by the end of this year, they will have a new index. He said that they have $3.8 billion of sewer work to do, snow vehicles that cannot support the structure of the salt-spreading unit, and $1.5 billion of infrastructure needs, so it is not possible to address every single need. Councillor Brown asked if the recommendations and projects on this list can change. President Vaughn said that these projects can change depending on continuing input, as the language in the ordinance does not allocate specific projects. Councillor Brown said that he would like to be assured that the projects in his district will not change contingent on whether or not he votes for or against this proposal.

Councillor D. Mahern said that there have been problems with the efficiency of the water company, and he asked why more emphasis was not put on feasibility studies to help them in the interim. He said that they have been basically throwing money into the street because of inefficiencies and the water company being poorly run, and they should have made some changes and allowed DPW to have a more active role. President Vaughn said that this is a point well taken, but is not germane to this proposal as the PILOT is on the wastewater side.

Councillor Evans asked why the PILOT payment schedule did not change even though the amount of the bonds was changed in committee. Mr. Steele said that this was based on the most likely scenario with PILOT funds of $668 million, which includes the $9 million which goes directly to public safety. Subtracting $270 million to public safety over the next 30 years, the balance of that $415 million will incrementally increase over 30 years, and be available for debt services. Therefore, they will be paying $270 million for public safety, $140 million for projects, $133 million in interest, with $143 million left over for pay-as-you-go projects.

Councillor Sanders said that because this schedule of payments is attached to the bond issue ordinance, they are setting PILOTS for the next 30 years without any other action taken. Mr. Steele said that this is not necessarily the case. He said that if the Council approves this proposal, they are committing a revenue stream to pay the debt service payment in the future. If the CEG transaction goes through, CEG will pledge their revenue stream as a part of the definitive agreement, and they are anticipating the same schedule in the definitive agreement. If the transaction does not go through, after 2013, rates for wastewater will come back to the Council for approval, and they can determine the size of payment, but it has to be sufficient to cover the debt service payments. Councillor Sanders asked if there is a guaranteed revenue stream then through 2013 with the rates currently in place if the CEG transaction does not go through. Mr. Steele responded in the affirmative.

Councillor Minton-McNeill said that only one or two of the projects on her wish list are listed as priority one or two projects. She asked if this list is set in stone. President Vaughn said that he already answered this question, and the allocations are not based on specific projects and there is room for continued input.

Councillor B. Mahern said that this is still a tax, because it is a fee being collected but not being used for sewage. He said that they need to be good stewards for the future and consider a straightforward tax increase, because this is aligned with the CEG deal, and puts pressure on the Council to do the transaction, whether it is a good deal or not. He said that they need to find another way to fund the bond issuance, and this is a bad deal.

President Vaughn said that the Council has the authority to spend the money how they see fit. He added that this bond issuance will generate $143 million in excess revenue that is not needed to pay down the debt on the bond, and this excess could be used for other projects, to reduce the rate, or for public safety funding.

Councillor Nytes said that in her 11 years of serving on the Council she has fielded countless requests from constituents for infrastructure. She said that she has never been one to shy away from looking for financial resources, but up until a few weeks ago, she was not exactly supportive that this was the way to do it. She was convinced that they needed to consider the good old-fashioned way of paying for projects with property taxes, but the taxpayer no longer wants to face the reality of what it costs to have the things they want funded through property taxes. In a desire to give property tax relief, the city now has tones of non-taxable properties; so if they use bond issuances paid by property taxes, residential and business owners pay a disproportionate amount

of that cost, while governmental and educational entities do not have to pay, yet benefit by the use of that infrastructure. One of the revenue streams come up with was the PILOT. She said that it is not perfect, but there is a pent-up demand for infrastructure repairs and she has not found a better way to address this problem than the one come up with tonight, and therefore, she will support this initiative. She moved, seconded by Councillor Cain, to call the question. The motion carried on the following roll call vote; viz:

20 YEAS: Bateman, Cain, Cardwell, Cockrum, Coleman, Day, Freeman, Gray, MahernB, MahernD, Malone, Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Pfisterer, Rivera, Scales, Vaughn
9 NAYS: Brown, Evans, Hunter, Lewis, Lutz, Minton McNeill, Oliver, Sanders, Speedy

President Vaughn called for public testimony at 10:31 p.m.

Councillor B. Mahern called for a point of order and asked if this is under the proper section of the agenda. President Vaughn said that they can provide for public testimony under any section of the agenda at the discretion of the chair. Councillor B. Mahern said that he objects and stated that it is not under the proper heading and therefore not properly on the agenda for public testimony. President Vaughn said that Councillor B. Mahern's objection is noted for the record.

There being no one present to testify, Councillor Lutz moved, seconded by Councillor Hunter, for adoption. Proposal No. 132, 2010 was adopted on the following roll call vote; viz:

17 YEAS: Cain, Cardwell, Cockrum, Day, Freeman, Hunter, Lutz, Malone, McHenry, McQuillen, Moriarty Adams, Nytes, Pfisterer, Rivera, Scales, Speedy, Vaughn
12 NAYS: Bateman, Brown, Coleman, Evans, Gray, Lewis, MahernB, MahernD, Mansfield, Minton McNeill, Oliver, Sanders

Councillor Minton-McNeill asked for consent to explain her vote. Consent was given. Councillor Minton-McNeill said that in light of what Councillor Nytes testified, if they do not share the wealth equally, then they are not solving the infrastructure problem.

Proposal No. 132, 2010 was retitled SPECIAL ORDINANCE NO. 5, 2010, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 5, 2010

A PROPOSAL FOR A SPECIAL ORDINANCE authorizing the issuance and sale of revenue bonds of the City of Indianapolis, Indiana, to procure funds to be applied to the costs of the construction, renovation, rehabilitation and installation of improvements to the public ways, including roads, streets, alleys, trails, sidewalks and other public facilities in the city, together with costs and expenses incidental thereto, including costs and expenses in connection with the issuance of the bonds, appropriating the proceeds (together with investment earnings thereon) derived from the sale of such bonds, modifying the amount of payments in lieu of taxes payable by the sanitary district of the City of Indianapolis, Indiana, and establishing the terms and conditions of such payments in lieu of taxes.

Witnesseth that:

WHEREAS, pursuant to Indiana Code 36-9-2-5, the City of Indianapolis, Indiana (hereinafter referred to as the "City"), has previously established and currently maintains and operates public roads and streets;

WHEREAS, the Board of Public Works (hereinafter referred to as the "Board") of the City has filed with the City-County Council of the City (hereinafter referred to as the "Council") its Resolution showing the costs of financing the construction, renovation, rehabilitation and installation of those improvements to the City's public roads and streets and sidewalks and other public facilities (hereinafter collectively referred to as the "Project") finding a need for the issuance of bonds to finance the costs of the Project,

presenting the form of a bond ordinance and additional appropriation ordinance, and recommending the issuance of bonds of the City for such purpose to the Council; and

WHEREAS, the Project, the financing by the City of the Project, together with costs and expenses incidental thereto, are necessary and are authorized by Indiana Code 5-1-14-5 and 36-3-4-21 and will be of general benefit to the City and its citizens; and

WHEREAS, the City does not have sufficient funds available or provided for in the existing budgets or tax levies that may be applied to the cost of the Project, together with costs and expenses incidental thereto, including the costs of issuance of the Bonds (as hereinafter defined) and bond anticipation notes of the City (hereinafter referred to as the "BANs"), making it necessary to authorize the issuance of revenue bonds of the City, payable from payments in lieu of taxes paid to the City by the Sanitary District of the City (hereinafter referred to as the "Sanitary District") pursuant to Indiana Code 36-3-2-10, as amended (hereinafter referred to as the "Act"), in excess of Nine Million Dollars ($9,000,000) annually, which amount is reserved solely for public safety purposes or such other purposes as determined from time to time (as so limited, hereinafter referred to as the "PILOT Revenues") and, if necessary, to provide interim financing for all or a portion of the Project, BANs of the City; and

WHEREAS, an extraordinary emergency and necessity exist for the making of the additional appropriation set out herein; and

WHEREAS, the proceeds of the Bonds and/or BANs have not been included in any regular budget; and

WHEREAS, notice of a hearing on such appropriation has been published as required by law and such public hearing was held on such appropriation at which all taxpayers and interested persons had an opportunity to appear and express their views as to such additional appropriation; and

WHEREAS, Indiana Code 5-1.4, as amended, provides that a "qualified entity," which term includes the City, may issue and sell its bonds or notes to The Indianapolis Local Public Improvement Bond Bank (hereinafter referred to as the "Bond Bank"); and

WHEREAS, the Executive Director of the Bond Bank has expressed a willingness to purchase the Bonds in a negotiated sale subject to approval by the Board of Directors of the Bond Bank, and the Bond Bank may determine to purchase the Bonds with proceeds from the issuance of the Bond Bank's bonds (hereinafter referred to as the "Bond Bank Bonds"), which Bond Bank Bonds may be secured by a debt service reserve fund established by the Bond Bank that will be subject to the provisions of Indiana Code 5-1.4-5, as amended, and Special Ordinance 67,85 of the Council; and

WHEREAS, the City and the Sanitary District own and operate the City's wastewater works and facilities (hereinafter collectively referred to as the "Wastewater Facilities"); and

WHEREAS, the Wastewater Facilities are exempt from property taxation under Indiana Code 6-1.1, as amended; and

WHEREAS, the Act authorizes the City-County Council, by ordinance, to impose payments in lieu of taxes (hereinafter referred to as "PILOT") with respect to the tangible property of the Wastewater Facilities; and

WHEREAS, pursuant to the Act, the appropriate maximum amount of PILOT with respect to the Wastewater Facilities is the amount of property taxes that would be paid if the tangible property constituting the Wastewater Facilities were not exempt from property taxation; and

WHEREAS, the tangible property subject to PILOT payments include both tangible property owned or leased by the Sanitary District (hereinafter collectively referred to as the "Tangible Property"); and

WHEREAS, in accordance with the Act, the Assessor of Marion County, Indiana, is required to assess the Tangible Property in an amount that does not exceed the amount of property taxes that would have been levied by the City-County Council on the Tangible Property if the Tangible Property was not subject to an exemption from property taxation; and

WHEREAS, PILOT received by the City must be deposited in the consolidated county fund, may be used for any purpose that the consolidated county fund may be used, and shall be treated in the same manner as taxes for all purposes of all procedural and substantive provisions of law; and

WHEREAS, the Wastewater Facilities have undergone and are currently undergoing substantial improvements, significantly increasing the assessed value of the Tangible Property; and

WHEREAS, the City-County Council desires to modify the PILOT received on account of the Wastewater Facilities in accordance with the Act and establish the payment dates therefor; and

WHEREAS, the City-County Council desires to express the official intent of the City to reimburse preliminary expenditures from the proceeds of the Bonds pursuant to Indiana Code 5-1-14-6 and Treasury Regulation 1.150-2 promulgated pursuant to the Internal Revenue Code of 1986, as amended (hereinafter referred to as the "Code"); now therefore,

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA;

SECTION i) The City is hereby authorized to make a loan, for the purpose of providing funds to be applied to the costs of the Project, together with costs and expenses incidental thereto, and including costs and expenses in connection with the issuance of bonds on account thereof.

SECTION ii) In order to procure this loan, the City is hereby authorized and directed to have prepared and to issue and sell negotiable transportation revenue bonds of the City, to be designated as "City of Indianapolis, Indiana, PILOT Revenue Bonds, Series 2010," in an aggregate principal amount not to exceed One Hundred Seventy Million Dollars ($170,000,000) (hereinafter referred to as the "Bonds"). The Bonds shall be payable solely from the PILOT Revenues deposited into the Sinking Fund (as hereinafter defined).

The Bonds shall be issued in fully registered form in the denominations of Five Thousand Dollars ($5,000) or an integral multiple thereof not exceeding the aggregate principal amount of Bonds maturing in any one year. The Bonds shall be numbered consecutively from 10R-1 upwards and shall bear interest at a rate or rates not exceeding eight percent (8%) per annum (the exact rate or rates to be determined by bidding or as provided in the Purchase Agreement (as hereinafter defined)). The maximum permitted interest rate on the Bonds may be reduced as provided in the Controller's Certificate based upon the advice of the Financial Advisor (as such terms are hereinafter defined). Interest on the Bonds shall be payable semiannually on the first day of January and the first day of July of each year (each hereinafter referred to as an "Interest Payment Date") commencing no earlier than July 1, 2010 (and as to be finally determined in the Controller's Certificate). Interest shall be calculated on the basis of twelve (12) thirty (30)-day months for a three hundred sixty (360)-day year. The Bonds shall mature not more frequently than semiannually on January 1 and July 1 of each year commencing no earlier than January 1, 2011, and ending not later than January 1, 2040, in the years and in the principal amounts set forth in the Controller's Certificate pursuant to Section 24 hereof.

SECTION iii) In anticipation of the issuance and sale of the Bonds authorized herein, and to provide interim financing to apply to the costs of the Project, the City is hereby authorized to have prepared and to issue and sell negotiable BANs of the City to any entity authorized under Indiana Code 5-1-14-5 pursuant to a Bond Anticipation Note Purchase Agreement (hereinafter referred to as the "BAN Purchase Agreement") entered into between the City and the purchaser of the BANs, in a principal amount not to exceed One Hundred Seventy Million Dollars ($170,000,000), to be designated "City of Indianapolis, Indiana, PILOT Revenue Bond Anticipation Notes, Series 2010." The BANs shall be issued in fully registered form, shall be numbered consecutively from 10R-1 upwards, shall be in multiples of One Dollar ($1), shall be dated as of the date of issuance of the BANs, and shall bear interest at a rate not exceeding eight percent (8.0%) per annum, payable upon maturity of the BANs. The initial BANs delivered will mature on the date specified in the BAN Purchase Agreement. Each subsequent BAN delivered will bear the same maturity date as the initial BANs. The BANs shall be subject to renewal or extension, subject to the limitations set forth below, at an interest rate not to exceed eight percent (8.0%) per annum with the exact rate to be negotiated with the purchaser of such BANs. The term of the BANs and all renewal BANs may not exceed five (5) years from the date of delivery of the initial BANs.

The BANs are prepayable by the City, in whole or in part, upon the terms and conditions provided in the BAN Purchase Agreement. In the case of prepayment, the principal and accrued interest due on the BANs shall be paid only from proceeds of the Bonds, when and if issued, except that interest due on the BANs may also be paid from other legally available funds; provided that any such funds are not pledged to the payment of the BANs.

SECTION iv) A registrar and paying agent for the Bonds and the BANs, if any (hereinafter referred to, respectively, as the "Registrar" and the "Paying Agent" and, in both such capacities, the "Registrar and Paying Agent"), shall customarily associated with the position of the Registrar and Paying Agent, including without limitation the authentication of the Bonds and the BANs. The City Controller is

hereby authorized and directed to enter into such agreements or understandings with the appointed Registrar and Paying Agent as will enable and facilitate the performance of its duties and responsibilities, and is authorized and directed to pay such fees as the Registrar and Paying Agent may reasonably charge for its services in such capacities, with such fees to be paid from available funds of the City.

As to the BANs, if registered in the name of a purchaser that does not object to such designation, the City Controller shall be designated as the Registrar and Paying Agent and shall be charged with the performance of all of the duties and responsibilities of Registrar and Paying Agent.

The principal of and premium, if any, on the Bonds and the BANs shall be payable at the principal corporate trust office of the Registrar and Paying Agent. Interest on the Bonds shall be paid by check or draft mailed or delivered to the registered owner thereof at the address as it appears on the registration books kept by the Registrar and Paying Agent as of the fifteenth day of the month immediately preceding the Interest Payment Date or at such other address as is provided to the Registrar and Paying Agent in writing by such registered owner. Notwithstanding the foregoing, principal of and premium, if any, and interest on the Bonds shall be paid as to any holder of $1,000,000 or more in aggregate principal amount of Bonds who so elects, by wire transfer to such wire transfer address within the continental United States as the registered holder shall have furnished to the Registrar and Paying Agent in writing on or before the fifteenth (15th) day of the month immediately prior to an Interest Payment Date. All payments on the Bonds shall be made in any coin or currency of the United States of America which, on the dates of such payments, shall be legal tender for the payment of public and private debts.

The Bonds and the BANs may, in compliance with all applicable laws, be issued and held in book-entry form on the books of the central depository system, The Depository Trust Company, its successors, or any successor central depository system appointed by the City from time to time (hereinafter referred to as the "Clearing Agency"). The City and Registrar may, in connection therewith, do or perform or cause to be done or performed any acts or things not adverse to the rights of the holders of the Bonds or the BANs, as are necessary or appropriate to accomplish or recognize such book-entry form Bonds.

During any time that the Bonds or the BANs are held in book-entry form on the books of a Clearing Agency (1) any such Bond or BAN may be registered upon the books kept by the Registrar in the name of such Clearing Agency, or any nominee thereof, including CEDE & Co., as nominee of the Depository Trust Company; (2) the Clearing Agency in whose name such Bond or BAN is so registered shall be, and the City and the Registrar and Paying Agent may deem and treat such Clearing Agency as, the absolute owner and holder of such Bond or BAN, respectively, for all purposes of this Ordinance, including, without limitation, the receiving of payment of the principal of and interest on such Bond or BAN, the receiving of notice and giving of consent; (3) neither the City nor the Registrar or Paying Agent shall have any responsibility or obligation hereunder to any direct or indirect participant, within the meaning of Section 17A of the Securities Exchange Act of 1934, as amended, of such Clearing Agency, or any person on behalf of which, or otherwise in respect of which, any such participant holds any interest in any Bond or BAN, including, without limitation, any responsibility or obligation hereunder to maintain accurate records of any interest in any Bond or BAN or any responsibility or obligation hereunder with respect to the receiving of payment of principal of or interest on any Bonds or BANs, the receiving of notice or the giving of consent; (4) the Clearing Agency is not required to present any Bond or BAN called for partial redemption prior to receiving payment so long as the Registrar and Paying Agent and the Clearing Agency have agreed to the method for noting such partial redemption; and (5) payment of the principal of and interest on the Bonds and the BANs shall be made by wire transfer or other method acceptable to the Clearing Agency, as indicated in the Controller's Certificate.

If either (i) the City receives notice from the Clearing Agency which is currently the registered owner of the Bonds or the BANs to the effect that such Clearing Agency is unable or unwilling to discharge its responsibility as a Clearing Agency for the Bonds or BANs or (ii) the City elects to discontinue its use of such Clearing Agency as a Clearing Agency for the Bonds or BANs, then the City and Registrar and Paying Agent each shall do or perform or cause to be done or performed all acts or things, not adverse to the rights of the holders of the Bonds or the BAN, as are necessary or appropriate to discontinue use of such Clearing Agency as a Clearing Agency for the Bonds or the BANs and to transfer the ownership of each of the Bonds or the BANs to such person or persons, including any other Clearing Agency, as the holder of the Bonds or the BANs may direct in accordance with this Ordinance. Any expenses of such discontinuance and transfer, including expenses of printing new certificates to evidence the Bonds or the BANs, shall be paid by the City.

During any time that the Bonds or the BANs are held in book-entry form on the books of a Clearing Agency, the Registrar and Paying Agent shall be entitled to request and rely upon a certificate or other written representation from the Clearing Agency or any participant or indirect participant with respect to the identity of any beneficial owners of the Bonds or the BANs as of a record date selected by the Registrar and Paying Agent. For purposes of determining whether the consent, advice, direction or

demand of a Registered Owner of the Bond or BAN has been obtained, the Registrar or Paying Agent shall be entitled to treat the beneficial owners of the Bonds or the BANs as the Bondholders or BAN holders, respectively.

During any time that the Bonds or the BANs are held in book-entry form on the books of a Clearing Agency, either the City Controller or the Registrar may enter into a Letter of Representations agreement with the Clearing Agency, and the provisions of any such Letter of Representations or any successor agreement shall control on the matters set forth herein.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent by giving thirty (30) days' written notice to the City and by first-class mail to each registered owner of Bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the City. Such notice to the City may be served personally or be sent by registered mail. The Registrar and Paying Agent may be removed at any time as Registrar and Paying Agent by the City, in which event the City may appoint a successor Registrar and Paying Agent. The City shall cause each registered owner of Bonds then outstanding to be notified by first-class mail of the removal of the Registrar and Paying Agent. Notices to registered owners of Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the registration books kept by the Registrar and Paying Agent.

Any predecessor Registrar and Paying Agent shall deliver all of the Bonds and cash in its possession with respect thereto, together with the registration books, to the successor Registrar and Paying Agent. The Mayor of the City (hereinafter referred to as the "Mayor") and the City Controller are hereby authorized to act on behalf of the City with regard to any of the aforementioned actions of the City relating to the resignation or removal of the Registrar and Paying Agent and appointment of a successor Registrar and Paying Agent. In addition, the Mayor and the City Controller are hereby authorized and directed, on behalf of the City, to enter into such agreements or understandings with any subsequent Registrar and Paying Agent as will enable it to perform the services required of it. Any such subsequent Registrar and Paying Agent shall be paid for its services out of available funds of the City.

SECTION v) The Bonds shall bear an original date which shall be specified in the Controller's Certificate, and each Bond shall also bear the date of its authentication. Any Bond authenticated on or before the fifteenth day of the month preceding the first Interest Payment Date, shall pay interest from its original date. Any Bond authenticated thereafter shall pay interest from the Interest Payment Date next preceding the date of authentication of such Bond unless the Bond is authenticated after the fifteenth day of the month preceding an Interest Payment Date and on or before such Interest Payment Date, in which case interest thereon shall be paid from such Interest Payment Date.

SECTION vi) (a) All or a portion of the Bonds may be aggregated into one or more term bonds payable from mandatory sinking fund redemption payments (hereinafter referred to as the "Term Bonds") required to be made as set forth below. The Term Bonds shall have a stated maturity or maturities of not more frequently than January 1 and July 1 of the years as provided in the Controller's Certificate.

Such Term Bonds, if any, shall be subject to mandatory sinking fund redemption prior to maturity at a redemption price equal to 100% of the principal amount thereof, plus accrued interest to the redemption date, but without premium, on not more frequently than January 1 and July 1 of each year and in the principal amounts consistent with the principal maturities set forth in the Controller's Certificate.

The Registrar shall credit against any mandatory sinking fund redemption requirement for a Term Bond of a particular maturity any Bonds of such maturity purchased for cancellation by the City and cancelled by the Registrar and not theretofore applied as a credit against any mandatory sinking fund redemption requirement. Each Bond so purchased shall be credited by the Registrar at 100% of the principal amount thereof against the mandatory sinking fund redemption requirements for the applicable Term Bond in inverse order of mandatory sinking fund redemption (or final maturity) dates, and the principal amount of such Term Bond to be redeemed on such mandatory sinking fund redemption dates by operation of the mandatory sinking fund requirements shall be reduced accordingly; provided, however, the Registrar and Paying Agent shall only credit Bonds against the mandatory sinking fund requirements to the extent such Bonds are received on or before forty-five (45) days preceding the applicable mandatory sinking fund redemption date.

The Registrar shall determine by lot (treating each $5,000 principal amount of each Bond as a separate Bond for such purpose) the Bonds within a Term Bond of a particular maturity to be redeemed pursuant to mandatory sinking fund redemption requirements on not more frequently than January 1 and July 1 of each year.

Notice of any such mandatory sinking fund redemption shall be given in the manner provided in Section 6(b) of this Ordinance.

In the event any of the Bonds are issued as Term Bonds, the form of the Bond set forth in Section 9 of this Ordinance shall be modified accordingly.

Any reference to payment or maturity of principal on Bonds shall be deemed to include payment of scheduled mandatory sinking fund redemption payments described in this Section 6(a).

(b) The City Controller, based upon the advice of the financial advisor to the City (hereinafter referred to as the "Financial Advisor"), shall certify in the Controller's Certificate the terms upon which the Bonds shall be subject to redemption at the option of the City, which redemption may be in whole or in part, upon thirty (30) days written notice to the registered owner or owners of the Bonds to be redeemed, in amounts and maturities to be determined by the City and by lot within any such maturity or maturities, and at a redemption price expressed as a percentage of the principal amount of each Bond to be redeemed in accordance with the Controller's Certificate, plus accrued interest to the date of redemption.

Notice of such redemption shall be sent by certified or registered mail at least thirty (30) days and not more than sixty (60) days prior to the scheduled redemption date to each of the registered owners of the Bonds called for redemption (unless waived by any such registered owner) at the address shown on the registration books of the Registrar. The notice shall specify the date and place of redemption, and the registration numbers of the Bonds called for redemption. The place of redemption may be at the principal corporate trust office of the Registrar or as otherwise determined by the City. Interest on the Bonds so called for redemption shall cease to accrue on the redemption date fixed in such notice, if sufficient funds are available at the place of redemption to pay the redemption price on the redemption date.

In addition to the foregoing notice, the City may also direct that further notice of redemption of the Bonds be given, including without limitation and at the option of the City, notice described in paragraph (i) below given by the Registrar to the parties described in paragraphs (ii) and (iii) below. No defect in any such further notice and no failure to give all or any portion of any such further notice shall in any manner defeat the effectiveness of any call for redemption of Bonds so long as notice thereof is mailed as prescribed above.

(i) If so directed by the City, each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Bonds being redeemed; (2) the date of issue of the Bonds as originally issued; (3) the rate of interest borne by each Bond being redeemed; (4) the maturity date of each Bond being redeemed; and (5) any other descriptive information needed to identify accurately the Bonds being redeemed.

(ii) If so directed by the City, each further notice of redemption shall be sent at least thirty-five (35) days before the redemption date by registered or certified mail or overnight delivery service to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(iii) If so directed by the City, each such further notice shall be published one time in The Bond Buyer of New York, New York or, if the Registrar believes such publication is impractical or unlikely to reach a substantial number of the holders of the Bonds, in some other financial newspaper or journal which regularly carries notices of redemption of other obligations similar to the Bonds, such publication to be made at least thirty (30) days prior to the date fixed for redemption.

Upon the payment of the redemption price of the Bonds being redeemed and if so directed by the City, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

Notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, such Bonds shall be paid by the Registrar at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for

the registered owner a new Bond or Bonds in the amount of the unpaid principal. All Bonds which have been redeemed shall be cancelled and destroyed by the Registrar and shall not be reissued.

SECTION vii) Each Bond shall be transferable or exchangeable only upon the books of the City kept for that purpose at the principal office of the Registrar and Paying Agent, by the registered owner thereof in person, or by his attorney duly authorized in writing, upon surrender of such Bond, together with a written instrument of transfer or exchange satisfactory to the Registrar and Paying Agent duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The Bonds may be transferred or exchanged without cost to the registered owner, except for any tax or governmental charge required to be paid with respect to the transfer or exchange. The Registrar and Paying Agent shall not be obligated to make any exchange or transfer of Bonds during the period of fifteen days immediately preceding an Interest Payment Date or to make any exchange or transfer of a Bond after notice calling such Bond has been mailed.

The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of the principal, premium or interest on any Bond shall be made duly to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

No service charge shall be made for any transfer or exchange of Bonds, but the City or the Registrar and Paying Agent may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Bonds except in the case of the issuance of a Bond or Bonds for the unredeemed portion of a Bond surrendered for redemption.

In the event any Bond is mutilated, lost, stolen or destroyed, the City may execute and the Registrar and Paying Agent may authenticate a new Bond of like date, maturity and denomination as the mutilated, lost, stolen or destroyed Bond, which new Bond shall be marked in a manner to distinguish it from the Bond for which it was issued; provided, that in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the City and the Registrar and Paying Agent, and in the case of any lost, stolen or destroyed Bond, there shall be first furnished to the City and the Registrar and Paying Agent evidence of such loss, theft or destruction satisfactory to the City and the Registrar and Paying Agent, together with indemnity satisfactory to them. In the event any such lost, stolen or destroyed Bond shall have matured or been called for redemption, instead of causing to be issued a duplicate Bond, the City and the Registrar and Paying Agent may, upon receiving indemnity satisfactory to them, pay the same without surrender thereof. The City and the Registrar and Paying Agent may charge the owner of such Bond with their reasonable fees and expenses in connection with the above. Every substitute Bond issued by reason of any Bond being lost, stolen or destroyed shall, with respect to such Bond, constitute a substitute contractual obligation of the City, whether or not the lost, stolen or destroyed Bond shall be found at any time, and shall be entitled to all the benefits of this Ordinance, equally and proportionately with any and all other Bonds duly issued hereunder. In the event that any Bond is not presented for payment or redemption on the date established therefor, the City may deposit in trust with the Paying Agent an amount sufficient to pay such Bond or the redemption price thereof, as appropriate, and thereafter the owner of such Bond shall look only to the funds so deposited in trust with the Paying Agent for payment, and the City shall have no further obligation or liability with respect thereto.

SECTION viii) The Bonds and the BANs, if any, shall be executed in the name of the City by the manual or facsimile signature of the Mayor, and attested by the manual or facsimile signature of the City Controller, who shall cause the official seal of the City to be impressed or a facsimile thereof to be printed or otherwise reproduced on each of the Bonds and BANs. In the event that any officer whose signature appears on any Bond or BAN shall cease to be such officer for any reason before the delivery of such Bond or BAN, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had been in such office at the time of delivery. Subject to the provisions for registration set forth in this Ordinance, the Bonds and the BANs shall be negotiable under the laws of the State of Indiana.

The Bonds and the BANs shall be authenticated with the manual signature of a duly authorized representative of the Registrar and Paying Agent, and no Bond shall be valid or obligatory for any purpose until the certificate of authentication on such Bond or BAN shall have been so executed.

SECTION ix) The form and tenor of the Bonds shall be substantially as follows (all blanks to be properly completed prior to the preparation of the Bonds):

[Form of Face of Bond]

UNITED STATES OF AMERICA

State of Indiana County of Marion

No. 10R-__ $_____

City of Indianapolis, Indiana
PILOT Revenue Bond, Series 2010

MATURITY DATE	ORIGINAL DATE	AUTHENTICATION DATE	CUSIP

REGISTERED OWNER:

PRINCIPAL SUM:

The City of Indianapolis, in Marion County, Indiana (the "City"), for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, upon surrender hereof, solely out of the special revenue fund hereinafter referred to, the Principal Amount stated above on the Maturity Date specified above (unless this bond be subject to and be called for redemption prior to maturity as hereinafter provided), and to pay interest thereon until the Principal Amount is paid upon redemption or at maturity, at the Interest Rate per annum specified above and from the interest payment date to which interest has been paid or duly provided for next preceding the Date of Authentication of this bond as shown above (except if this bond is authenticated after the fifteenth day of June or December and on or before the succeeding interest payment date, it shall bear interest from such interest payment date and except if this bond is authenticated on or before _____ 15, 2010, it shall bear interest from the Original Date specified above), with such interest payable semiannually on January 1 and July 1 of each year, commencing _____ 1, 201___.

The principal of and premium, if any, on this bond is payable at the principal corporate trust office of _____, in the City of _____, _____, or of any successor registrar and paying agent appointed under the Ordinance hereinafter mentioned (the "Registrar and Paying Agent"). Interest hereon will be paid by cash or draft mailed or delivered by the Registrar and Paying Agent to the Registered Owner hereof at the address as it appears on the registration books of the Registrar and Paying Agent as of the fifteenth day of the month immediately preceding the applicable interest payment date or at such other address as is furnished to the Registrar and Paying Agent in writing by such Registered Owner. Notwithstanding the foregoing, principal of and premium, if any, and interest on the Bonds shall be paid as to any holder of $1,000,000 or more in aggregate principal amount of Bonds who so elects, by wire transfer to such wire transfer address within the continental United States as the registered holder shall have furnished to the Registrar and Paying Agent in writing on or before the fifteenth (15th) day of the month immediately prior to an Interest Payment Date. All payments on this bond shall be made in any coin or currency of the United States of America which, on the dates of such payments, shall be legal tender for the payment of public and private debts.

[The Bonds shall initially be issued and held in book-entry form on the books of DTC, its successors or any successor central depository system appointed by the City from time to time. Notwithstanding anything to the contrary in this bond, if payment of principal and interest is made to DTC or another clearing agency, payment shall be made by wire transfer on the payment date in same-day funds. The City and the Registrar and Paying Agent may, in connection therewith, do or perform or cause to be done or performed any acts or things, not adverse to the rights of the holders of the Bonds, as are necessary or appropriate to accomplish or recognize such book-entry form Bonds.]

This bond and the other bonds of this issue, together with the interest payable hereon and thereon, is payable solely from and secured by an irrevocable pledge of and constitutes a first charge upon all payments in lieu of taxes made by the Sanitary District of the City to the City in excess of Nine Million Dollars ($9,000,000) annually, which amount is reserved for public safety purposes solely (as so limited, the "PILOT Revenues") pursuant to Indiana Code 36-2-3-10 and 36-2-3-11, respectively, and the laws amendatory thereof and supplemental thereto (collectively, the "Act"), deposited into the Sinking Fund (as hereinafter described). The City irrevocably pledges all PILOT Revenues deposited into the Sinking Fund to the prompt payment of the principal of and interest on the bonds authorized and issued pursuant to the Ordinance, including this bond, and any bonds hereafter issued on a parity herewith.

This bond is one of an authorized issue of bonds of the City, of like date, tenor and effect, except as to numbering, interest rates and dates of maturity, in the total amount of _____ Dollars ($_____), numbered consecutively from 10R-1 upwards, issued for the purpose of providing funds to pay the cost of certain improvements to the public roads and streets of the City, together with all expenses necessarily incurred therewith, [including the funding of a reserve for the payment of the principal of and interest on such bonds, and] including the costs incurred in connection with the issuance of such bonds, as authorized by an Ordinance No. ___, _____, adopted by the City-County Council of the City on _____, 2010, entitled "A PROPOSAL FOR A SPECIAL ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF REVENUE BONDS OF THE CITY OF INDIANAPOLIS, INDIANA, TO PROCURE FUNDS TO BE APPLIED TO THE COSTS OF THE CONSTRUCTION, RENOVATION, REHABILITATION AND INSTALLATION OF IMPROVEMENTS TO THE PUBLIC ROADS AND STREETS IN THE CITY, TOGETHER WITH COSTS AND EXPENSES INCIDENTAL THERETO, INCLUDING COSTS AND EXPENSES IN CONNECTION WITH THE ISSUANCE OF THE BONDS" (the "Ordinance") and the Indiana Code.

This bond is issuable only in fully registered form in the denomination of $5,000 or any integral multiple thereof not exceeding the aggregate principal amount of the bonds of this issue maturing in any one year.

The City covenants that it will set aside and pay into the Sinking Fund a sufficient amount of the PILOT Revenues to meet (a) the interest on all bonds payable from such fund as such interest shall fall due, (b) the necessary fiscal agency charges for paying the principal of and interest on all bonds, (c) the principal of all bonds payable from such fund as such principal shall fall due, [and (d) an additional amount as a margin of safety, which margin shall equal the Debt Service Reserve Requirement (as defined in the Ordinance)].

[The bonds of this issue maturing on or after _____ 1, 20___, are subject to redemption prior to maturity, at the option of the City, in whole or in part, on _____ 1, 20___, or at any time thereafter, in amounts and maturities determined by the City and by lot within any such maturity or maturities at a redemption price of 100% of the principal amount thereof and without premium, plus accrued interest to the date of redemption.]

Notice of such redemption shall be sent by registered or certified mail to the Registered Owner of this bond not less than thirty (30) days and not more than sixty (60) days prior to the date fixed for redemption, unless such notice is waived by the Registered Owner. The place of redemption may be determined by the City. Interest on bonds so called for redemption shall cease to accrue on the redemption date fixed in such notice, so long as sufficient funds are available at the place of redemption to pay the redemption price on the redemption date or when presented for payment.

If this bond shall not be presented for payment or redemption on the date fixed therefor, the City may deposit in trust with the Registrar and Paying Agent an amount sufficient to pay such bond or the redemption price, as appropriate, and thereafter the Registered Owner shall look only to the funds so deposited in trust with the Registrar and Paying Agent for payment, and the City shall have no further obligation or liability with respect thereto.

Subject to the provisions of the Ordinance regarding the registration of such bonds, this bond and all other bonds of the issue of which this bond is a part are fully negotiable instruments under the laws of the State of Indiana. This bond is transferable or exchangeable only upon the books of the City kept for that purpose at the principal office of the Registrar and Paying Agent by the Registered Owner hereof in person, or by his attorney duly authorized in writing, upon surrender of this bond, together with a written instrument of transfer or exchange satisfactory to the Registrar and Paying Agent duly executed by the Registered Owner or his attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or to the Registered Owner, as the case may be, in exchange therefor. This bond may be transferred or exchanged without cost to the Registered Owner, except for any tax or governmental charge required to be paid with respect to the transfer or exchange. The Registrar and Paying Agent shall not be obligated to make any exchange or transfer of this bond (i) during the fifteen (15) days immediately preceding an interest payment date on this bond or (ii) after the mailing of any notice calling this bond for redemption. The City and the Registrar and Paying Agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes, including for the purpose of receiving payment of, or on account of, the principal hereof and the premium, if any, and interest due hereon.

In the event this bond is mutilated, lost, stolen or destroyed, the City may cause to be executed and the Registrar and Paying Agent may authenticate a new bond of like date, maturity and denomination

as this bond, which new bond shall be marked in a manner to distinguish it from this bond; provided, that in the case of this bond being mutilated, this bond shall first be surrendered to the Registrar and Paying Agent, and in the case of this bond being lost, stolen or destroyed, there shall first be furnished to the Registrar and Paying Agent evidence of such loss, theft or destruction satisfactory to the City and the Registrar and Paying Agent, together with indemnity satisfactory to them. In the event that this bond, being lost, stolen or destroyed, shall have matured or been called for redemption, instead of causing to be issued a duplicate bond, the City and the Registrar and Paying Agent may, upon receiving indemnity satisfactory to them, pay this bond without surrender hereof. In such event, the City and the Registrar and Paying Agent may charge the owner of this bond with their reasonable fees and expenses in connection with the above. Every substitute bond issued by reason of this bond being lost, stolen or destroyed shall, with respect to this bond, constitute a substitute contractual obligation of the City, whether or not this bond, being lost, stolen or destroyed shall be found at any time, and shall be entitled to all the benefits of the Ordinance, equally and proportionately with any and all other bonds duly issued thereunder.

In the manner provided in the Ordinance, the Ordinance and the rights and obligations of the City and of the owners of the bonds of this issue may (with certain exceptions as stated in the Ordinance) be modified or amended with the consent of the owners of at least sixty percent (60%) in aggregate principal amount of outstanding bonds of this issue exclusive of bonds, if any, owned by the City. Additional bonds ranking on a parity with the bonds authorized by the Ordinance and other bonds, junior to the bonds authorized by the Ordinance, can be issued in accordance with the terms of the Ordinance.

The bonds authorized and issued pursuant to the Ordinance, including this bond, are subject to defeasance prior to redemption or payment as provided in the Ordinance, and the owner of this bond, by the acceptance hereof, hereby agrees to all the terms and provisions contained in the Ordinance.

The City and the Registrar and Paying Agent may deem and treat the Registered Owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof and the premium, if any, and interest due hereon and for all other purposes, and neither the City nor the Registrar and Paying Agent shall be affected by any notice to the contrary.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been duly executed by a duly authorized representative of the Registrar and Paying Agent.

The City hereby certifies, recites and declares that all acts, conditions and things required to be done precedent to and in the preparation, execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

IN WITNESS WHEREOF, the City of Indianapolis, in Marion County, State of Indiana, by ordinance of its Council, has caused this bond to be executed in its corporate name and on its behalf by the manual or facsimile signature of its duly elected, qualified and acting Mayor, and attested by the manual or facsimile signature of its duly appointed, qualified and acting Controller, who has caused the official corporate seal of the City to be impressed or a facsimile thereof to be printed or otherwise reproduced hereon, all as of the Original Date shown above.

THE CITY OF INDIANAPOLIS, INDIANA

By:_____
Mayor

(SEAL)

ATTEST:

_____
Controller

CERTIFICATE OF AUTHENTICATION

This bond is one of the City of Indianapolis, Indiana, PILOT Revenue Bonds, Series 2010, issued and delivered pursuant to the provision of the within-mentioned ordinance.

_____,
as Registrar and Paying Agent

By:_____
Authorized Representative

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ (insert name and address)
the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within bond on the books kept for the registration thereof with full power of substitution in the premises.

Dated:_____

_____
NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.
Signature Guarantee:

_____
Notice: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

(End of Bond Form)

SECTION x) (i) The City Controller is hereby authorized to elect in his sole discretion to sell the Bonds at public sale pursuant to Section 10(ii) of this Ordinance or to The Indianapolis Local Public Improvement Bond Bank (hereinafter referred to as the "Bond Bank") pursuant to Indiana Code 5-1.4 and Section 10(iii) of this Ordinance. Upon the determination of the City Controller to sell the Bonds to the Bond Bank, the Mayor and the City Controller of the City are authorized to enter into a Qualified Entity Purchase Agreement with the Bond Bank (hereinafter referred to as the "Purchase Agreement").

The City Controller is hereby authorized to obtain a legal opinion, prior to the delivery of the Bonds, as to the validity of the Bonds from counsel with expertise regarding the issuance of tax-exempt governmental obligations, and to furnish such opinion to the purchaser or purchasers of the Bonds. The cost of such opinion shall be considered as part of the costs incidental to these proceedings and shall be paid out of proceeds of the Bonds.

(b) The provisions of this Section 10(b) shall govern the sale of Bonds if the City Controller determines to sell the Bonds by public sale. Prior to the sale of the Bonds, the City Controller, on behalf of the Board, shall cause to be published a notice of intent to sell once each week for two (2) weeks in The Indianapolis Star, and the Court & Commercial Record. The notice of such sale or a summary thereof may also be published in The Bond Buyer, a financial journal published in the City and State of New York, and/or in other publications in the discretion of the City Controller. The notice must state that any person interested in submitting a bid for the Bonds may furnish in writing at the address set forth in the notice, the person's name, address and telephone number, and that any such person may also furnish a telex number. The notice must also state: (1) the amount of the Bonds to be offered; (2) the denominations; (3) the dates of maturity; (4) the maximum rate or rates of interest; (5) the place of sale; (6) the time within which the name, address and telephone number must be furnished, which must not be less than seven days after the last publication of the notice of intent to sell; and (7) such other matters as the City Controller shall deem appropriate. Each person so registered shall be notified of the date and time bids will be received, not less than twenty-four (24) hours before the date and time of sale. The notification shall be made by telephone at the number furnished by the person, and also by telex if the person furnishes a telex number.

All bids for Bonds shall be sealed and shall be presented to the City Controller at his office, and the City Controller shall continue to receive all bids offered until the hour named on the day fixed for the sale of the Bonds, at which time and place he shall open and consider each bid. Bidders for the Bonds shall be required to name the rate or rates of interest which the Bonds are to bear, not exceeding the maximum rate hereinabove fixed. The interest rate or rates shall be in multiples of one-eighth (1/8) or one-twentieth (1/20) of one percent (1%). Bids specifying more than one interest rate shall also specify the amount and maturities of the Bonds bearing each rate, and all Bonds maturing on the same date shall bear the same rate of interest. The interest rate on Bonds of a given maturity must be at least as great as the interest rate on Bonds of any earlier maturity. Subject to provisions contained below, the City Controller

shall award the Bonds to the bidder offering the lowest interest cost, to be determined by computing the total interest on all of the Bonds from the date thereof to the date of their maturities and deducting therefrom the premium bid, if any, or adding thereto the amount of the discount, if any. No bid for less than ninety-seven percent (97%) of the par value of the Bonds (or such higher percentage of the par value of the Bonds as the City Controller, with the advice of the Financial Advisor, shall determine prior to publication of the notice of intent to sell), plus accrued interest at the rate or rates named to the date of delivery, shall be considered. The City Controller shall have full right to reject any and all bids. In the event no acceptable bid is received at the time fixed for the sale of the Bonds, then the sale may be continued from day-to-day for a period not to exceed thirty (30) days without readvertising. During the continuation of the sale, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time fixed for the sale.

(c) The provisions of this Section 10(c) shall govern the sale of the Bonds if the City Controller determines to sell the Bonds to the Bond Bank pursuant to this Ordinance. In the event of such determination, the Bonds shall be sold to the Bond Bank in such denomination or denominations as the Bond Bank may request, pursuant to a Purchase Agreement between the City and the Bond Bank, hereby authorized to be applied for, entered into and executed by the Mayor and City Controller, on behalf of the City, upon such determination by the City Controller subsequent to the date of the adoption of this Ordinance. Such Purchase Agreement may set forth the definitive terms and conditions for such sale including the purchase price and interest rate or rates, but all of such terms and conditions must be consistent with the terms and conditions of the Ordinance, including, without limitation, the interest rate or rates on the Bonds which shall not exceed the maximum authorized rates of interest for the Bonds pursuant to this Ordinance. Bonds sold to the Bond Bank shall be accompanied by all documentation required by the Bond Bank pursuant to Indiana Code 5-1.4 and the Purchase Agreement, including, without limitation, an approving opinion of nationally recognized bond counsel, certification and guarantee of signatures and certification as to no litigation pending, as of the date of delivery of the Bonds to the Bond Bank, challenging the validity or issuance of the Bonds. In the event the City Controller determines to sell the Bonds to the Bond Bank, the entry by the City into the Purchase Agreement and the execution of the Purchase Agreement on behalf of the City by the Mayor and Controller of the City in accordance with this Ordinance are hereby authorized, approved and ratified. The Council hereby acknowledges that the Bond Bank Bonds may be supported by a debt service reserve fund established by the Bond Bank that will be subject to the provisions of Indiana Code 5-1.4-5, as amended, and Special Ordinance 67,85 of the Council.

SECTION xi) The Mayor is hereby authorized to execute the Bonds and the BANs with his manual or facsimile signature and the City Controller is hereby authorized and directed to have such Bonds and BANs prepared, and is hereby authorized and directed to attest the Bonds and the BANs with his manual or facsimile signature and to affix or cause to be affixed the seal of the City or a facsimile thereof to the Bonds and the BANs. After the Bonds or the BANs have been properly executed, the Bonds or the BANs shall be delivered to the purchaser or purchasers in the manner provided by law.

SECTION xii) Upon the advice of the financial advisor to the City, any series of the Bonds may be issued as (a) "Build America Bonds" pursuant to Section 54AA of the Internal Revenue Code of 1986, as amended (hereinafter referred to as the "Code"), or (b) "Recovery Zone Economic Development Bonds" pursuant to Section 1400U-2 of the Code. The Council authorizes the Mayor to determine whether to issue a series of Bonds as "Build America Bonds" or "Recovery Zone Economic Development Bonds" as described above, based on the advice of the financial advisor of the City, with any such determination to be reflected in a certificate of the Mayor prior to the sale of such series of the Bonds.

SECTION xiii) The Council hereby requests, authorizes and directs the Mayor and the City Controller and each of them, for and on behalf of the City, to prepare, execute and deliver any and all other instruments, letters, certificates, agreements and documents as are determined to be necessary or appropriate to consummate the transactions contemplated by this Ordinance, and such determination shall be conclusively evidenced by the execution thereof. The instruments, letters, certificates, agreements, and documents, including the Bonds and the BANs, necessary or appropriate to consummate the transactions contemplated by this Ordinance shall, upon execution, as contemplated herein, constitute the valid and binding obligations or representations and warranties of the City, the full performance and satisfaction of which by the City is hereby authorized and directed.

SECTION xiv) The Bonds, when fully paid for and delivered to the purchaser or purchasers, and any bonds hereafter issued on a parity therewith, as to both principal and interest, shall be valid and binding special revenue obligations of the City, payable solely out of the PILOT Revenues paid to the City deposited and set aside into the Sinking Fund, as hereinafter provided, and the proceeds derived from the sale of the Bonds shall be and are hereby set aside for application by the City solely to the payment of the costs of the Project, except as otherwise provided in Section 15 of this Ordinance, together with costs and

expenses incidental thereto, including costs and expenses in connection with the issuance of the Bonds, as provided herein.

SECTION xv) The PILOT Revenues distributed to the City pursuant to the Act shall be used and applied by the City only as provided in this Ordinance and in strict accordance with the provisions of the Act. All of such revenues shall be segregated and kept in special accounts separate and apart from all other funds of the City and shall be used and applied in payment of bonds and interest thereon which by their terms are payable from such revenues and to maintain a reasonable reserve, in accordance with this Ordinance. The PILOT Account is hereby designated and constituted as the fund for the payment of the interest on and principal of the Bonds. Such fund shall be continued until all of the Bonds have been paid. The PILOT Account shall consist of (i) a Bond Principal and Interest Account and a Reserve Account (which two accounts together hereinafter shall be referred to as the "Sinking Fund" and both of which accounts the City hereby covenants and agrees to cause to be kept and maintained so long as needed for the purposes set forth herein), and (ii) an Excess Account. All of the PILOT Revenues distributed to the City pursuant to the Act shall be set aside in the following accounts in the following order of priority and to the extent indicated below:

(1) Bond Principal and Interest Account;

(2) Reserve Account; and

(3) Excess Account.

(a) Bond Principal and Interest Account. As soon as possible upon receipt by the City of its semiannual PILOT Revenue payment (each, a "Payment"), but in any event not later than the last day of June and December, there shall be set aside and paid into the Bond Principal and Interest Account a sufficient amount for the payment of (a) with respect to the interest on the Bonds as such interest shall fall due on the next Interest Payment Date, (b) the necessary fiscal agency charges for paying the principal of and interest on the Bonds due on the next Interest Payment Date, and (c) one half (1/2) of the principal of the Bonds payable on the next principal payment date. Such deposits shall continue until such time as the Bond Principal and Interest Account shall contain an amount sufficient to pay all of the Bonds then outstanding, together with the interest thereon to the dates of maturity thereof.

(b) Reserve Account. On the last day of each calendar month, there shall be credited from available PILOT Revenues to the Reserve Account created hereby in amounts sufficient to produce, in equal monthly installments over a sixty (60) month period (commencing upon the date of delivery of the Bonds), an amount equal to the least of (i) the maximum annual debt service on all outstanding Bonds, (ii) one hundred twenty-five percent (125%) of the average annual debt service on all outstanding Bonds, or (iii) ten percent (10%) of the proceeds of the Bonds (hereinafter referred to as the "Debt Service Reserve Requirement"); provided, however, that the City Controller, with the advice of the Financial Advisor, may elect to satisfy all or a portion of the Debt Service Reserve Requirement on the date of delivery of the Bonds from Bond proceeds or other available funds of the City. In addition, the Debt Service Reserve Requirement may be satisfied with cash, a debt service reserve surety bond or a combination thereof. Such credits to the Reserve Account shall continue until the balance therein shall equal the Debt Service Reserve Requirement. The Reserve Account shall constitute the margin for safety as a protection against default in the payment of principal of and interest on the Bonds (and any other parity bonds of the City payable from the PILOT Revenues hereafter issued so long as the Debt Service Reserve Requirement has been increased proportionately), and the moneys in the Reserve Account shall be used to pay current principal and interest on the Bonds (and any parity bonds thereof) to the extent that moneys in the Bond Principal and Interest Account are insufficient for that purpose. The Reserve Requirement may be satisfied and held, in whole or in part, by the Bond Bank pursuant to the terms of the indenture authorizing the issuance of the Bond Bank Bonds, and such amounts shall be deemed to be amounts held in the Reserve Account hereby established. Any deficiencies in credits to the Reserve Account shall be promptly made up from the next available PILOT Revenues remaining after credits into the Bond Principal and Interest Account. In the event moneys in the Reserve Account are transferred to the Bond Principal and Interest Account to pay principal and interest on bonds, then such depletion of the balance in the Reserve Account shall be made up from the next available PILOT Revenues after the credits into the Bond Principal and Interest Account hereinbefore provided for. Any moneys in the Reserve Account in excess of the Debt Service Reserve Requirement shall be transferred to the Excess Account, and in no event shall such excess moneys be held in the Reserve Account. Funds employed to meet the Debt Service Reserve Requirement, to the extent allocable to the Bonds, shall be invested by the City Controller in accordance with Section 18 of this Ordinance.

(c) Excess Account. Any remaining PILOT Revenues distributed to the City pursuant to the Act shall be deemed excess funds and shall be deposited in the Excess Account for appropriation and use as permitted by law. In the event of any deficiency at any time in the Bond Principal and Interest Account

for the purposes of paying the interest on or principal of bonds, which by their terms are payable from PILOT Revenues in the Sinking Fund, funds may be withdrawn from the Excess Account for deposit into such Bond Principal and Interest Account in the amount of such deficiency.

All funds in such accounts shall be segregated and kept separate and apart from all other funds of the City and shall be deposited in lawful depositories of the City and continuously held and secured or invested as provided by law. Interest earned in each such account shall be credited to such account, except that the amount of funds in the Reserve Account shall not exceed the Debt Service Reserve Requirement, and any such excess shall be deposited into the Excess Account.

SECTION xvi) Any accrued interest and premium received at the time of the delivery of the Bonds shall be deposited into the Bond Principal and Interest Account. Proceeds of the Bonds or any debt service reserve fund surety bond, if any, to be deposited in the Reserve Account shall be so deposited upon receipt of such proceeds or debt service reserve fund surety bond. Any remaining proceeds from the sale of the Bonds shall be deposited in a special fund to be designated as the "2010 City of Indianapolis Road and Street Project Construction Fund" (hereinafter referred to as the "2010 Construction Fund"). Such fund shall be deposited with a legally qualified depository or depositories for funds of the City as provided by law and shall be segregated and kept separate and apart from all other funds of the City and may be invested as permitted by law. The money in the 2010 Construction Fund shall be expended only for the purpose of paying the costs of the Project together with costs and expenses in connection with the issuance of the Bonds. Any balances in the 2010 Construction Fund after the completion of the Project which are not required to meet unpaid obligations incurred in connection with the acquisition, construction, renovation, rehabilitation and installation of the Project together with costs and expenses in connection with the issuance of the Bonds, shall be applied in accordance with Indiana Code 5-1-13.

SECTION xvii) The provisions of this Ordinance shall be construed to create a trust in the proceeds of the sale of the Bonds for the uses and purposes herein set forth, and the registered owners of the Bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this Ordinance. The provisions of this Ordinance shall also be construed to create a trust in the PILOT Revenues distributed to the City pursuant to the Act herein directed to be set apart and paid into the Sinking Fund for purposes of such fund as in this Ordinance set forth.

SECTION xviii) If, when the Bonds or a portion thereof shall have become due and payable in accordance with their terms and the whole amount of the principal of and premium, if any, and interest so due and payable upon all of the Bonds or a portion thereof then outstanding shall be paid; or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) above of a bank or banks, the principal of and interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, then and in such event the Bonds or such portion thereof shall no longer be deemed outstanding or entitled to the pledge of the PILOT Revenues distributed to the City pursuant to the Act deposited into the Sinking Fund.

SECTION xix) In order to preserve the excludability from gross income of interest on the Bonds under federal law, the City represents, covenants and agrees that, to the extent necessary to preserve such excludability:

(a) No person or entity or any combination thereof, other than the City or any other governmental unit (hereinafter referred to as "Governmental Unit") within the meaning of Section 141(b)(6) and Section 150(a)(2) of the Internal Revenue Code of 1986, as amended, and as in effect on the date of delivery of the Bonds (hereinafter referred to as the "Code"), will use more than ten percent (10%) of the proceeds of the Bonds or property financed by such proceeds other than as a member of the general public. No person or entity or any combination thereof other than the City or any other Governmental Unit will own property financed by more than ten percent (10%) of the proceeds of the Bonds or will have actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, an arrangement such as a take-or-pay or other type of output contract or any other type of arrangement that differentiates that person's or entity's use of such property from the use of such property by the public at large, except pursuant to a management or similar contract which satisfies the requirements of IRS Revenue Procedure 97-13;

(b) No Bond proceeds will be lent to any entity or person. No Bond proceeds will be transferred directly or indirectly transferred or deemed transferred to a person other than a Governmental Unit in a fashion that would in substance constitute a loan of such Bond proceeds;

(c) The City will not take any action or fail to take any action with respect to the Bonds that would result in the loss of the excludability from gross income for federal income tax purposes of interest on the Bonds pursuant to Section 103(a) of the Code, and the Council will not act in any manner or permit any actions by officers or officials of the City that would adversely affect such excludability. The City further covenants that it will keep full, complete and accurate records of all investment income and other earnings on the amounts held in the funds and accounts created or referred to in this Ordinance and will not make any investment or do any other act or thing during the period that any Bond is outstanding hereunder which would cause any Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code and regulations applicable thereto as in effect on the date of delivery of the Bonds. The City shall comply with the arbitrage rebate requirements under Section 148 of the Code to the extent applicable;

(d) All officers, employees and agents of the City are hereby authorized and directed to provide certifications of facts and estimates that are material to the reasonable expectations of the City as of the date that the Bonds are issued, and to make covenants on behalf of the City evidencing the City's commitments made herein. In particular, any and all appropriate officers, employees and agents of the City are authorized to certify and/or enter into covenants for the City regarding (i) the facts and circumstances and reasonable expectations of the City on the date that the Bonds are issued and (ii) the representations and covenants made herein by the City regarding the amount and use of the proceeds of the Bonds; and

(e) The City Controller is hereby authorized and directed to employ consultants and attorneys from time to time to advise the City with respect to the requirements under federal law for the continuing preservation of the excludability of interest on the Bonds from gross income for purposes of federal income taxation.

SECTION xx) Notwithstanding any other provisions of this Ordinance, any of the covenants and authorizations contained in this Ordinance (hereinafter referred to as the "Tax Sections") which are designed to preserve the excludability of interest on the Bonds from gross income for purposes of federal income taxation (hereinafter referred to as the "Tax Exemption") need not be complied with if the City receives an opinion of nationally recognized bond counsel that compliance with such Tax Section is unnecessary to preserve the Tax Exemption.

SECTION xxi) The Council may, without the consent of, or notice to, any of the owners of the Bonds, adopt a supplemental ordinance for any one or more of the following purposes:

(a) To cure any ambiguity or formal defect or omission in this Ordinance;

(b) To grant to or confer upon the owners of the Bonds any additional benefits, rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the Bonds, or to make any change which, in the judgment of the City, is not to the prejudice of the owners of the Bonds;

(c) To modify, amend or supplement this Ordinance to permit the qualification of the Bonds for sale under the securities laws of the United States of America or of any of the states of the United States of America;

(d) To provide for the refunding or advance refunding of the Bonds;

(e) To procure a rating on the Bonds from a nationally recognized securities rating agency designated in such supplemental ordinance, if such supplemental ordinance will not adversely affect the owners of the Bonds; and

(f) Any other purpose which does not adversely impact the interests of the owners of the Bonds.

SECTION xxii) This Ordinance, and the rights and obligations of the City and the owners of the Bonds may be modified or amended at any time by supplemental ordinances adopted by the Council with the consent of the owners of the Bonds holding at least sixty percent (60%) in aggregate principal amount of the outstanding Bonds (exclusive of Bonds, if any, owned by the City); provided, however, that no such modification or amendment shall, without the express consent of the owners of the Bonds affected, reduce the principal amount of any Bond, reduce the interest rate payable thereon, advance the earliest redemption date, extend its maturity or the times for paying interest thereon, permit a privilege or priority of any Bond or Bonds over any other Bond or Bonds, create a lien securing any Bonds other than a lien ratably securing all of the Bonds outstanding, or change the monetary medium in which principal and interest are payable, nor shall any such modification or amendment reduce the percentage of consent required for amendment or modification to this Ordinance.

Any act done pursuant to a modification or amendment so consented to shall be binding upon all the owners of the Bonds and shall not be deemed an infringement of any of the provisions of this Ordinance or of the Indiana Code, and may be done and performed as fully and freely as if expressly permitted by the terms of this Ordinance, and after such consent relating to such specified matters has been given, no owner shall have any right or interest to object to such action or in any manner to question the propriety thereof or to enjoin or restrain the Council or any officer thereof from taking any action pursuant thereto.

If the Council shall desire to obtain any such consent, it shall cause the Registrar and Paying Agent to mail a notice, postage prepaid, to the respective owners of the Bonds at their addresses appearing on the registration books held by the Registrar and Paying Agent. Such notice shall briefly set forth the nature of the proposed supplemental ordinance and shall state that a copy thereof is on file at the office of the Registrar and Paying Agent for inspection by all owners of the Bonds. The Registrar and Paying Agent shall not, however, be subject to any liability to any owners of the Bonds by reason of its failure to mail the notice described in this Section 21, and any such failure shall not affect the validity of such supplemental ordinance when consented to and approved as provided in this Section 21.

Whenever at any time within one year after the date of the mailing of such notice, the Council shall receive an instrument or instruments purporting to be executed by the owners of the Bonds of not less than sixty percent (60%) in aggregate principal amount of the Bonds then outstanding (exclusive of Bonds, if any, owned by the City), which instrument or instruments shall refer to the proposed supplemental ordinance described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar and Paying Agent, thereupon, but not otherwise, the City may adopt such supplemental ordinance in substantially such form, without liability or responsibility to any owners of the Bonds, whether or not such owner shall have consented thereto.

Upon the adoption of any supplemental ordinance pursuant to the provisions of this Section 21, this Ordinance shall be, and be deemed to be, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such modifications and amendments.

SECTION xxiii) All of the PILOT Revenues distributed to the City pursuant to the Act deposited into the Sinking Fund shall be and are hereby irrevocably pledged to the payment of the principal of and interest on the Bonds and any other bonds hereafter issued on a parity therewith. So long as the Council has the authority to establish the amount of the PILOT Revenues, the City covenants and agrees that it will establish and maintain sufficient PILOT Revenues to comply with and satisfy all covenants contained in this Ordinance and for the payment of the sums required to be paid into the Sinking Fund by this Ordinance.

SECTION xxiv) The City reserves the right to authorize and issue additional bonds, payable out of the PILOT Revenues, ranking on a parity with the Bonds, for the purpose of financing the cost of additional projects. In the event any parity bonds are issued pursuant to this Section 23, the term "Bonds" in this Ordinance shall, unless the context otherwise requires, be deemed to refer to the Bonds and such parity bonds and other changes may be made herein as required to reflect the issuance of such parity bonds. The authorization and issuance of parity bonds shall be subject to the following conditions precedent:

(a) All interest and principal payments with respect to all bonds payable from amounts that the City receives from the PILOT Revenues shall have been paid in accordance with their terms.

(b) All required deposits into the Bond Principal and Interest Account and the Reserve Account, if any, shall have been made in accordance with the provisions of this Ordinance.

(c) Either: (1) the PILOT Revenues distributed to the City pursuant to the Act in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the Bonds shall be not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of all the then outstanding bonds payable from amounts that the City receives from the PILOT Revenues and the additional parity bonds proposed to be issued; or (2) the PILOT Revenues distributed to the City pursuant to the Act for the first full fiscal year immediately succeeding the issuance of any such bonds ranking on a parity with the Bonds shall be projected by a certified public accountant to be at least equal to one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of all the then outstanding bonds payable from amounts that the City receives from the PILOT Revenues and the additional parity bonds proposed to be issued.

For purposes of this subsection, the records of the City shall be analyzed and all showings prepared by a certified public accountant or independent financial adviser employed by the City for that purpose.

(d) The interest on the additional parity bonds shall be payable semiannually on the first day of January and July in the years in which interest is payable and the principal of the additional parity bonds shall be payable on the same dates as the bonds in the years in which principal is payable.

Except as otherwise provided in this Section 23, so long as any of the Bonds are outstanding, no additional bonds or other obligations pledging any portion of the PILOT Revenues distributed to the City pursuant to the Act shall be authorized, executed or issued by the City except such as shall be made subordinate and junior in all respects to the Bonds, unless all of the Bonds are redeemed and retired coincidentally with the delivery of such additional bonds or other obligations, or as provided in Section 17 hereof, funds sufficient to effect such redemption are available and set aside for that purpose at the time of issuance of such additional bonds.

SECTION xxv) The City Controller shall, prior to the sale of the Bonds, set forth in a certificate (the "Controller's Certificate") the first interest payment date for the Bonds, the amount and maturities of the Bonds, the percentage of par at which the Bonds shall be sold and any other matters required by this Ordinance to be provided in the Controller's Certificate.

If the Bonds are sold by public sale, the Bonds shall be offered and sold pursuant to an Official Statement with respect to the Bonds (hereinafter referred to as the "Official Statement"), to be made available and distributed in such manner, at such times, for such periods and in such number of copies as may be required pursuant to Rule 15c2-12 promulgated by the United States Securities and Exchange Commission (hereinafter referred to as the "Rule") and any and all applicable rules and regulations of the Municipal Securities Rulemaking Board. The Council hereby authorizes the Mayor or the City Controller (a) to authorize and approve a Preliminary Official Statement, as the same may be appropriately confirmed, modified and amended for distribution as the Preliminary Official Statement of the City; (b) on behalf of the City, to designate the Preliminary Official Statement a "final" Official Statement with respect to the Bonds, subject to completion as permitted by and otherwise pursuant to the Rule; and (c) to authorize and approve the Preliminary Official Statement to be placed into final form and to enter into such agreements or arrangements as may be necessary or advisable in order to provide for the distribution of a sufficient number of copies of the Official Statement under the Rule. The Mayor or the City Controller are further authorized to execute an agreement in connection with the offering of the Bonds in accordance with the Rule by which the City agrees to undertake such continuing disclosure obligations as may be required under the Rule.

The City Controller is hereby authorized and directed to have the Bonds prepared, and the Mayor and the City Controller are hereby authorized and directed to execute or cause the execution of the Bonds in the form and manner substantially hereinbefore provided. Temporary Bonds in typed or other form may be delivered to the original purchaser thereof pending preparation of the definitive Bonds.

SECTION xxvi) In the event it shall be hereafter determined that, in order to insure that the constitutional limitation on the indebtedness of the City is not exceeded, it is necessary to reduce the amount of the Bonds authorized by this Ordinance, the City Controller shall be authorized to sell and deliver a lesser amount of the Bonds than herein authorized, and the Bonds not issued and sold shall be the Bonds of the latest maturity or maturities.

SECTION xxvii) The proceeds derived from the sale of the Bonds, together with investment earnings thereon, shall be and the same are hereby appropriated to provide the financing for any or all or any portion of the costs of the Project, together with costs and expenses incidental thereto, including costs and expenses in connection with the issuance of the bonds. The financing of the Project, together with costs and expenses incidental thereto, including costs and expenses in connection with the issuance of bonds to provide therefor, is being undertaken pursuant to the recommendation of the Board of Public Works of the City. Such appropriation shall be in addition to all appropriations provided for in the existing budget and levy, and shall continue in effect until the payment of the costs of the Project, together with costs and expenses incidental thereto, including costs and expenses in connection with the issuance of bonds to provide therefor. Any surplus of such proceeds shall be credited to the proper fund as required by law. A certified copy of this Ordinance shall be filed by the City Controller with the Indiana Department of Local Government Finance in accordance with Indiana Code 6-1.1-18-5.

SECTION xxviii) The Council hereby finds that the amount of PILOT currently paid by the Sanitary District with respect to the Wastewater Facilities is less than the amount that would have been levied against the Tangible Property if the Tangible Property were not exempt from property taxation. The Council further finds that, based on expected continued improvements to the Wastewater Facilities through calendar year 2022, annual increases to the amount of PILOT should be implemented. Therefore, effective for calendar year 2010 through and including calendar year 2039, the amount of PILOT to be paid annually by the District, which amount shall continue to be paid annually through

calendar year 2039, shall be in the amounts provided in Exhibit A attached hereto and made a part hereof (the amounts to be paid include the Nine Million Dollars ($9,000,000) of PILOT to be paid pursuant to City-County Council Fiscal Ordinance No. 35, 2009, adopted by the City-County Council on September 21, 2009). The City-County Council hereby finds that the aggregate annual PILOT does not exceed the amount of property taxes that would have been paid for each respective year with respect to the Tangible Property if the Tangible Property was not exempt from property taxation.

SECTION xxix) All PILOT received by the City shall be deposited in the consolidated county fund and used for any purpose that the consolidated county fund may be used.

SECTION xxx) In each year, the District shall pay PILOT on June 1 and December 1.

SECTION xxxi) Notwithstanding anything contained herein, PILOT may be paid with respect to the Wastewater Facilities only from the cash earnings of the facility remaining after provisions have been made to pay for current obligations, including: (a) operating and maintenance expenses; (b) payment of principal and interest on any bonded indebtedness; (c) depreciation or replacement fund expenses; (d) bond and interest sinking fund expenses; and (e) any other priority fund requirements required by law or by any bond ordinance, resolution, indenture, contract, or similar instrument binding on the Wastewater Facilities.

SECTION xxxii) In the event that any date established for the payment of principal of or interest on the Bonds shall be in the city of such payment a Saturday, Sunday or a legal holiday or other day on which banking institutions are authorized by law to close, then any such payment of principal or interest may be made on the next succeeding business day with the same force and effect as if made on the established date.

SECTION xxxiii) This Ordinance serves as the declaration of official intent of the City to reimburse preliminary expenses related to the Project, if any, from the proceeds of the Bonds pursuant to Indiana Code 5-1-14-6 and Treasury Regulation 1.150-2 promulgated pursuant to the Code.

SECTION 34. None of the proceeds from the sale of the bonds issued pursuant to this ordinance nor any of the PILOT payments contemplated to be received from the District as provided in this ordinance shall be used by any agency, department, division of the City of Indianapolis or Marion County or any of its Boards or commissions to provide any financial aid or assistance or subsidy to any professional sports team.

SECTION 35. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 36. This Ordinance shall be in full force and effect from and upon compliance with the procedures required by law, and all ordinances in conflict herewith are hereby repealed to the extent of such conflict.

EXHIBIT A

PILOT PAYMENT SCHEDULE

Year	Amount
2010	**$11,519,787**
2011	**$13,038,566**
2012	**$14,264,201**
2013	**$14,874,669**
2014	**$12,770,735**
2015	**$17,168,014**
2016	**$17,168,014**
2017	**$19,520,181**
2018	**$22,729,332**
2019	**$25,647,129**
2020	**$27,908,296**
2021	**$28,739,159**
2022	**$29,152,282**
2023	**$29,444,917**
2024	**$27,788,097**
2025	**$26,095,838**

2026	**$24,362,479**
2027	**$22,851,006**
2028	**$23,154,132**
2029	**$23,485,461**
2030	**$23,842,921**
2031	**$24,221,728**
2032	**$24,618,285**
2033	**$25,031,974**
2034	**$25,457,202**
2035	**$25,889,899**
2036	**$26,330,027**
2037	**$26,777,638**
2038	**$27,232,858**
2039	**$27,695,816**

NEW BUSINESS

Councillor Pfisterer invited all to her her Sixth Annual Job Fair on May 26, 2010 from 10:00 a.m. to 2:00 p.m. at the Lakeview Church on the west side.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Pfisterer stated that she had been asked to offer the following motion for adjournment by:

(1) All Councillors in memory of Phyllis Reese; and
(2) Councillor Pfisterer in memory of Keith R. Cogan; and
(3) Councillors Pfisterer, Gray and Brown in memory of Robert Wisehart and Steven M. Baker; and
(4) Councillor Sanders in memory of Elizabeth Gearns, James Russell Settle and Michael J. Elder; and
(5) Councillor McQuillen in memory of Juanita Glasscock; and
(6) Councillor Malone in memory of Larry King, Jr. and Danella Thomas.

Councillor Pfisterer moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Phyllis Reese, Keith R. Cogan, Robert Wisehart, Steven M. Baker, Elizabeth Gearns, James Russell Settle, Michael J. Elder, Juanita Glasscock, Larry King, Jr. and Danella Thomas. She respectfully asked the support of fellow Councillors. She further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

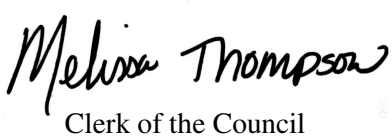
There being no further business, and upon motion duly made and seconded, the meeting adjourned at 10:34 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 17th day of May, 2010.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:



Clerk of the Council

(SEAL)